



## CITY COUNCIL

### AGENDA

November 17, 2003 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**CALL TO ORDER** 1

**INVOCATION & PLEDGE OF ALLEGIANCE – Pastor Nathan Renner – Seventh Day Adventist Church** 1

**ROLL CALL** 1

**PRESENTATIONS:** 1

A-1 (a) Auditor's Presentation given by Larry Simon – Doeren Mayhew and Presentation of the *Comprehensive Annual Financial Report for the Year Ended June 30, 2003* to City Council by John M. Lamerato – Assistant City Manager/Finance and Administration; (b) 1<sup>st</sup> Sgt. Joseph Haddad – US Army and City of Troy Police Officer – Recognizing City Council and the Police Department for Their Support of Military Personnel; (c) Domestic Violence Awareness Presentation – Beaumont Hospital – Troy - Adreana Harley, Rik Cyderman, and Cortni Oleszczuk; (d) Red Ribbon Pledge Sheet Presentation – Troy Elementary and Middle Schools 1

**PUBLIC COMMENT:** 1

A. Items on the Current Agenda 1

B. Items Not on the Current Agenda 2

**CONSENT AGENDA** 2

E-1 Approval of Consent Agenda 2

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

E-2	Minutes: Special Meeting of October 28, 2003, Regular Meeting of November 3, 2003, and Special Meeting of November 10, 2003	2
E-3	Proposed City of Troy Proclamations:	2
	(a) Red Kettle Campaign – November 19 – December 24, 2003 .....	3
	(b) Christian Heritage Week – November 23-29, 2003.....	3
	(c) Celebrating the Opening of the New Wing – Immaculate Conception Ukrainian Schools.....	3
E-4	Standard Purchasing Resolution 1: Award to Low Bidders – Big Beaver Irrigation Installation	3
E-5	City of Troy v Livernois Road Partners	3
E-6	Mayor Pryor's Attendance at U.S. Conference of Mayors 72 <sup>nd</sup> Winter Meeting in Washington, DC – January 21 – 23, 2004	3
E-7	Request for Acceptance of Permanent Easement for Sanitary Sewer – Project No. 03.918.3 – Shops at Torpey – Sidwell #88-20-23-303-025 – Southwest ¼ of Section 23	4
E-8	2003-04 Budget Amendment No. 1	4
E-9	Request by Drury Inns, Inc. to Add Space and Change Classification from Class C to B-Hotel	4
E-10	Request for Waiver of Parking Restrictions	5
	<b>REGULAR BUSINESS</b>	<b>5</b>

F-1	Appointments to Boards and Committees: (a) Mayoral Appointments: 1) Economic Development Corporation & (b) City Council Appointments: 1) Advisory Committee for Persons with Disabilities; 2) Historical Commission; and 3) Troy Daze	5
F-2	Closed Session	9
F-3	Sole Source – GPS Trackers and Related MAPX Software	9
F-4	Bid Waiver – TPOA Physical Examinations	10



F-5	Contract Ratification – AFSCME (Hourly Employees) and City of Troy	10
F-6	Sauger v. City of Troy, et. al.	10
F-7	Amendment to Historic Preservation – Chapter 13	11
F-8	Adoption of Goals	11
F-9	Bid Waiver – Data Collection to Implement the Pavement Management System	12

## **COUNCIL COMMENTS/COUNCIL REFERRALS** **12**

## **REPORTS AND COMMUNICATIONS** **12**

G-1	Minutes – Boards and Committees:	12
	(a) CATV Advisory Committee/Final – July 24, 2003.....	12
	(b) Historic Commission/Final – August 26, 2003.....	12
	(c) Troy Daze/Draft – September 3, 2003.....	12
	(d) Historic Commission/Draft – September 23, 2003 .....	12
	(e) Planning Commission/Draft – October 7, 2003 .....	12
	(f) Planning Commission/Final – October 7, 2003 .....	12
	(g) Planning Commission/Draft – October 14, 2003 .....	12
	(h) Planning Commission/Final – October 14, 2003 .....	12
	(i) CATV Advisory Committee/Draft – October 15, 2003 .....	13
	(j) Board of Zoning Appeals/Draft – October 21, 2003 .....	13
	(k) Ethnic Issues Advisory Board/Draft – November 4, 2003.....	13
	(l) Liquor Advisory Committee/Draft – November 10, 2003 .....	13
G-2	Department Reports:	13
	(a) 2003 Year-to-Date Crime & Police Calls for Service Report .....	13
	(b) Permits Issued During the Month of October 2003 .....	13
	(c) Monthly Financial Report – October 31, 2003 .....	13
G-3	Announcement of Public Hearings:	13
	(a) Street Vacation Application Crestfield Avenue and Tallman (fka Taylor) Street, within Proposed Crestwood Site Condominium, North Side of Wattles, East of Livernois, Section 15 (SV-184) – Scheduled November 24, 2003 .....	13
	(b) Preliminary Planned Unit Development Review – PUD-003 – Sterling Corporate Center – North Side of Big Beaver Road – West of I-75 and East of Wilshire Drive – Section 21 - Scheduled November 24, 2003.....	13
	(c) Zoning Ordinance Text Amendment (ZOTA-180) – Articles 40.57.06, 43.77.00 and 43.80.00 – Height Limits for Amateur Radio Antennas - Scheduled November 24, 2003 .....	13

	(d) Zoning Ordinance Text Amendment (ZOTA-198) – Article 40.20.00 – Parking Requirements - Scheduled November 24, 2003 .....	13
G-4	Green Memorandums:	13
	(a) Charter Revision Committee Recommendations .....	13
	(b) Emerald Ash Borer Update.....	13
	(c) Holiday Lights .....	13
G-5	Proposed Proclamations/Resolutions from Other Organizations:	13
	(a) City of Farmington Hills – Class C/Tavern License Quota and Escrow System .	13
G-6	Calendar	13
G-7	Letters of Appreciation:	13
	(a) Telephone Message from Theodora Wiley to Officer Garcher Thanking Him for His Assistance After an Auto Accident at Livernois and Wattles.....	13
	(b) Letter from Mary Beth Halushka – Troy Foundation for Educational Excellence, to Chief Charles Craft Thanking Lt. Zavislak and Sgt. Swanson for Their Assistance with Their First Fun Walk .....	13
	(c) Letter from Sue Staten to Chief Charles Craft Thanking Detective Todd Gustke for His Assistance with Their Complaint.....	13
	(d) Thank You Card from Leslie Weston Thanking Officer Pete Pizzorni for His Promptness in Checking on Her Elderly Cousin Whose Phone was Not Working .....	13
G-8	Memorandum, Re: Conservation Easement at Cedar Ridge	13
G-9	Memorandum, Re: Governor's "Cool" Cities Initiative	13
G-10	Memorandum, Re: CATV Advisory Committee Action	14
G-11	Memorandum, Re: Review of House Bill No. 4152 and Senate Bill 721	14
G-12	Memorandum, Re: Liquor Law Compliance Testing	14
G-13	Memorandum, Re: City Attorney's Role in Prosecutions	14
G-14	Memorandum, Re: Comprehensive Annual Financial Report for the Year Ended June 30, 2003 - Copy of Report available for public viewing at the Troy City Clerk's Office	14

<b>PUBLIC COMMENT</b>	<b>14</b>
-----------------------	-----------

---

<b>STUDY ITEMS</b>	<b>14</b>
--------------------	-----------

---

<b>H-1</b>	<b>Recreation Fees</b>	<b>14</b>
------------	------------------------	-----------



## CALL TO ORDER

**INVOCATION & PLEDGE OF ALLEGIANCE** – Pastor Nathan Renner – Seventh Day Adventist Church

## ROLL CALL

Mayor Matt Pryor  
Robin Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

## PRESENTATIONS:

---

**A-1** (a) Auditor's Presentation given by Larry Simon – Doeren Mayhew and Presentation of the *Comprehensive Annual Financial Report for the Year Ended June 30, 2003* to City Council by John M. Lamerato – Assistant City Manager/Finance and Administration; (b) 1<sup>st</sup> Sgt. Joseph Haddad – US Army and City of Troy Police Officer – Recognizing City Council and the Police Department for Their Support of Military Personnel; (c) Domestic Violence Awareness Presentation – Beaumont Hospital – Troy - Adreena Harley, Rik Cyderman, and Cortni Oleszczuk; (d) Red Ribbon Pledge Sheet Presentation – Troy Elementary and Middle Schools

## PUBLIC COMMENT:

---

### A. Items on the Current Agenda

*Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.*

**B. Items Not on the Current Agenda**

*After Council is finished acting on all Business Items that have been brought forward, the public is welcome to address the Mayor and Council on items that are specifically not on the agenda. (Rules of Procedure for the City Council, Article 15 as amended September 22, 2003)*

**CONSENT AGENDA**

*The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended September 22, 2003)*

---

**E-1 Approval of Consent Agenda**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) \_\_\_\_\_, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

---

**E-2 Minutes: Special Meeting of [October 28, 2003](#), Regular Meeting of [November 3, 2003](#), and Special Meeting of [November 10, 2003](#)**Suggested Resolution

Resolution #2003-11-

RESOLVED, That the Minutes of the 7:30 PM Special Meeting of October 28, 2003, the Minutes of the 7:30 PM Regular Meeting of November 3, 2003 and the Minutes of the 5:30 PM Special Meeting of November 10, 2003, be **APPROVED** as submitted.

---

**E-3 Proposed City of Troy Proclamations:**Suggested Resolution

Resolution #2003-11-

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- (a) Red Kettle Campaign – November 19 – December 24, 2003
- (b) Christian Heritage Week – November 23-29, 2003
- (c) Celebrating the Opening of the New Wing – Immaculate Conception Ukrainian Schools

---

**E-4 Standard Purchasing Resolution 1: Award to Low Bidders – Big Beaver Irrigation Installation**

Suggested Resolution

Resolution #2003-11-

RESOLVED, That contracts to provide irrigation installation at two sites on Big Beaver Road are hereby **AWARDED** to the low bidders, Michigan Automatic Sprinkler, Inc., for Site 1, at an estimated total cost of \$93,625.00, and Rayner Law Sprinkler, for Site 2, at an estimated total cost of \$4,683.00, at prices contained in their schedule of values submitted October 28, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the awards are contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates, and all other specified requirements; and if changes to the quantity of work is needed, all such changes both additive and deductive are **AUTHORIZED** not to exceed 10% of the individual contract totals.

---

**E-5 City of Troy v Livernois Road Partners**

Suggested Resolution

Resolution #2003-11-

RESOLVED, That the City of Troy City Council approves the revised proposed consent judgment in the City of Troy v Livernois Road Partners condemnation case, and **AUTHORIZES** payment in the amount stated therein, and further **AUTHORIZES** the City Attorney's Office to execute the consent judgment, a copy of which shall be **ATTACHED** to the original Minutes of this meeting

---

**E-6 Mayor Pryor's Attendance at U.S. Conference of Mayors 72<sup>nd</sup> Winter Meeting in Washington, DC – January 21 – 23, 2004**

Suggested Resolution

Resolution #2003-11-

RESOLVED, That Mayor Pryor is **AUTHORIZED** to attend the U.S. Conference of Mayors 72<sup>nd</sup> Winter Meeting in Washington, DC, January 21 – 23, 2004.

---

**E-7 Request for Acceptance of Permanent Easement for Sanitary Sewer – Project No. 03.918.3 – Shops at Torpey – Sidwell #88-20-23-303-025 – Southwest ¼ of Section 23**

Suggested Resolution

Resolution #2003-11-

RESOLVED, That the Permanent Easement for Sanitary Sewer from Old Troy, L.L.C., having Sidwell #88-20-23-303-025, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Permanent Easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-8 2003-04 Budget Amendment No. 1**

Suggested Resolution

Resolution #2003-11-

RESOLVED, That Budget Amendment No. 1 of the 2003-04 budget be **APPROVED** to provide funds for outstanding purchase orders at June 30, 2003, reconcile capital projects in various stages of completion at June 30, 2003; and

BE IT FURTHER RESOLVED, That a copy of the budget amendment be **ATTACHED** to the original minutes of this meeting.

---

**E-9 Request by Drury Inns, Inc. to Add Space and Change Classification from Class C to B-Hotel**

**(a) Add Space and Change Classification**

Suggested Resolution

Resolution #2003-11-

RESOLVED, That the request from Drury Inns, Inc. (A Missouri Corporation), located at 575 W. Big Beaver, Troy, MI 48084 – Oakland County, to add space to a 2003 Class C and SDM licensed business and to change classification from Class C to B-Hotel be considered for **APPROVAL**; it is the **CONSENSUS** of this legislative body that the application be **RECOMMENDED FOR ISSUANCE**.

**(b) Approval of Agreement**

Suggested Resolution

Resolution #2003-11-

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances.



NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Drury Inns, Inc. (A Missouri Corporation), which shall become effective upon approval of the request to add space to a 2003 Class C and SDM licensed business, and to change classification from Class C to B-Hotel; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

#### **E-10 Request for Waiver of Parking Restrictions**

##### Suggested Resolution

Resolution #2003-11-

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the no parking restrictions on the east side of Northfield Parkway from the entrance to Boulan Park to the entrance to Congregation Shir Tikvah, on November 22, 2003 between the hours of 7:00 pm and 11:30 pm.

### **REGULAR BUSINESS**

*Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended September 22, 2003. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.*

---

#### **F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1) Economic Development Corporation & (b) City Council Appointments: 1) Advisory Committee for Persons with Disabilities; 2) Historical Commission; and 3) Troy Daze**

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

**(a) Mayoral Appointments**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

**Economic Development Corporation****Mayor, Council Approval (9) – 6 years**Stuart F Redpath - Does not seek reappointment

Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/04
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
James A. Rocchio	04/30/03
Salgat, Charles	04/30/04
Sharp, John	04/30/03
Smith, Douglas	04/30/05

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02
Hall, Patrick C	01/26/01-06/12/01-05/2003	02/05/01-07/09/01
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Freliga, Victor P	11/25/02-11/2004	12/02/02
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01	09/17/01
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Victor, Robert	06/03/03-05/2005	06/16/03

Yes:

No:

**(b) City Council Appointments**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

**Advisory Committee for Persons with Disabilities****Appointed by Council (9 Regular, 3 Alternates) – 3 years****Note: Ms. Nancy Johnson – Seeks reappointment****Ms. Jayshree Shah – Seeks reappointment****Term expires 11-01-2006 (Alternate)****Term expires 11-01-2006 (Alternate)****Term expires 07-01-2004 (Student)****CURRENT MEMBERS**

NAME	TERM EXPIRES
Susan Robosan-Burt	11/01/06
<b>Alternate appointment vacancy open due to Pauline Manetta's appointment to Regular appointment</b>	11/01/03
Angela Done	11/01/05
Nancy Johnson	11/01/03
Leonard G. Bertin	11/01/05
Pauline Manetta	11/01/06
Dick Kuschinsky	11/01/04
Theodora House	11/01/06
Grace Yau <b>(Student)</b>	07/01/04
Dorothy Ann Pietron	11/01/04
Nada Raheb <b>(Student)</b>	07/01/03
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Mark Pritzloff <b>(Alternate)</b>	11/01/06
Jayshree Shah <b>(Alternate)</b>	11/01/03

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

**Historical Commission**

**Appointed by Council (7) – 3 years**

**Term expires 07-01-2004 (Student)**

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Edward Bortner	07/31/05
Roger Kaniarz	07/31/05
Rosemary Kornacki	07/31/05
Sucheta Sikdar (Student)	07/01/03
Kevin Lindsey	07/31/06
Terry Navratil	07/31/06
Jack Turner	07/31/04
Brian J. Wattles	07/31/04

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

**Troy Daze**

**Appointed by Council (9) – 3 years**

**Term expires 07-01-2004 (Student)**

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Robert A. Berk	11/30/04
Sue Bishop	11/30/04
Jim D. Cyrulewski.	11/30/04
Cecile Dilley	11/30/04
Kessie Kaltsounis	11/30/05
Michael Gonda	11/30/06
William F Hall	11/30/05
Jeffrey Stewart – (Parks & Rec Board Rep)	09/30/06
Robert S. Preston	11/30/05
Cheryl A Whitton-Kaszubski	11/30/03
Jessica Zablocki (Student)	07/01/03

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Yes:

No:

---

**F-2 Closed Session**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); Cities of Troy and Birmingham v. 2100 E. Maple Road; Cities of Troy and Birmingham v. 1495 Mapleway; Cities of Troy and Birmingham v. 1501 Halo, aka 1501 Maplelane, after adjournment of this meeting.

Yes:

No:

---

**F-3 Sole Source – GPS Trackers and Related MAPX Software**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

WHEREAS, Geonautics International is the sole source provider of the proprietary GPS Tracking System and related MAPX software; and

WHEREAS, Geonautics has provided software and hardware for both the City of Troy and Oakland County which assist in many joint investigations.

NOW THEREFORE, BE IT RESOLVED, That MAPX software and related GPS Trackers be **PURCHASED** as an addition to the City of Troy's surveillance system from Geonautics International, the sole source provider ,at an estimated cost of \$21,569.00.

Yes:

No:

**F-4 Bid Waiver – TPOA Physical Examinations**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

WHEREAS, As a result of a 1988 Troy Police Officers Association/City of Troy arbitration ruling, physical fitness tests and pre-test physicals for the City of Troy Police Officers are required every two years, with all costs being absorbed by the City; and

WHEREAS, a City/Union Joint Committee selected Crittenton Hospital to conduct the physicals and testing;

NOW, THEREFORE, BE IT RESOLVED, That a contract to conduct physicals and related testing is hereby **AWARDED** to Crittenton Hospital for an estimated annual cost of \$61,437.00, at unit prices provided in the pricing schedule identified as Attachment A dated November 5, 2003, which expires December 31, 2005, a copy of which shall be **ATTACHED** to the original Minute of this meeting.

Yes:

No:

---

**F-5 Contract Ratification – AFSCME (Hourly Employees) and City of Troy**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

RESOLVED, That a collective bargaining agreement between the City of Troy and AFSCME for the period of July 1, 2003 through June 30, 2006 is hereby **RATIFIED** by the City Council of the City of Troy, the Employer, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes:

No:

---

**F-6 Sauger v. City of Troy, et. al.**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

RESOLVED, That the City of Troy City Council **APPROVES** the proposed general release by Jason Sauger, Joann Sauger, and Stephen Sauger regarding the City of Troy, Troy Police Department, Police Chief Charles Craft, Officer David Quaiatto, Officer Pat Browne, Officer

Robert Shaner, Officer Andrew Satterfield, Officer Thomas Gordon and Officer Janice Greff (Pokley) and **AUTHORIZES** payment in the amount stated therein, and further **AUTHORIZES** the City Attorney and the attorney representing the individual officers to **EXECUTE** the stipulation for dismissal with prejudice, which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

---

#### **F-7 Amendment to Historic Preservation – Chapter 13**

##### Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

RESOLVED, That the ordinance to amend Chapter 13 of the City Code, Historic Preservation, is hereby **ADOPTED** as recommended by the City Attorney, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

---

#### **F-8 Adoption of Goals**

##### Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

WHEREAS, One of the primary functions of City Council is to develop goals for Troy which reflect community values; and

WHEREAS, Goals for the City provide direction to the City Manager to develop objectives, tasks, performance measures and budgetary documents for the City.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **ADOPTS** the following goals:

- Minimize cost and increase efficiency of City government
- Retain and attract investment while encouraging redevelopment
- Effectively and professionally communicate internally and externally
- Creatively maintain and improve public infrastructure
- Protect life and property

Yes:

No:

**F-9 Bid Waiver – Data Collection to Implement the Pavement Management System**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

WHEREAS, The Road Commission of Oakland County (RCOC) has contracted with Stantec Consulting, Inc. to collect pavement condition data for all County maintained roads to contribute to the development of their own pavement management model, and Stantec Consulting, Inc. has agreed to extend the County's negotiated contract price to the City of Troy allowing the City to take advantage of a price structure aimed at a larger project; and

WHEREAS, RCOC has agreed to provide the information collected by Stantec Consulting, Inc. to Cities, Villages, and Townships within its boundaries resulting in the immediate supply of City of Troy data on 63 miles of roads within Troy's limits, and maintaining Stantec Consulting, Inc. to collect all city streets within Troy would assure consistent interpretation of pavement condition, system wide; and

WHEREAS, During implementation, having one consistent data set will keep conversion costs to a minimum.

BE IT RESOLVED, That a contract is hereby **AWARDED** to Stantec Consulting, Inc. for data collection services of pavement condition and street signage inventory for an estimated total cost of \$107,787.50 commencing immediately upon approval and expiring June 30, 2004; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed insurance and agreement documents acceptable to the City of Troy  
**AUTHORIZED AND EXECUTED** by the Mayor and City Clerk.

Yes:

No:

**COUNCIL COMMENTS/COUNCIL REFERRALS****REPORTS AND COMMUNICATIONS**

---

**G-1 Minutes – Boards and Committees:**

- (a) CATV Advisory Committee/Final – July 24, 2003
- (b) Historic Commission/Final – August 26, 2003
- (c) Troy Daze/Draft – September 3, 2003
- (d) Historic Commission/Draft – September 23, 2003
- (e) Planning Commission/Draft – October 7, 2003
- (f) Planning Commission/Final – October 7, 2003
- (g) Planning Commission/Draft – October 14, 2003
- (h) Planning Commission/Final – October 14, 2003



- (i) CATV Advisory Committee/Draft – October 15, 2003
- (j) Board of Zoning Appeals/Draft – October 21, 2003
- (k) Ethnic Issues Advisory Board/Draft – November 4, 2003
- (l) Liquor Advisory Committee/Draft – November 10, 2003

---

**G-2 Department Reports:**

- (a) 2003 Year-to-Date Crime & Police Calls for Service Report
- (b) Permits Issued During the Month of October 2003
- (c) Monthly Financial Report – October 31, 2003

---

**G-3 Announcement of Public Hearings:**

- (a) Street Vacation Application Crestfield Avenue and Tallman (fka Taylor) Street, within Proposed Crestwood Site Condominium, North Side of Wattles, East of Livernois, Section 15 (SV-184) – **Scheduled November 24, 2003**
- (b) Preliminary Planned Unit Development Review – PUD-003 – Sterling Corporate Center – North Side of Big Beaver Road – West of I-75 and East of Wilshire Drive – Section 21 - **Scheduled November 24, 2003**
- (c) Zoning Ordinance Text Amendment (ZOTA-180) – Articles 40.57.06, 43.77.00 and 43.80.00 – Height Limits for Amateur Radio Antennas - **Scheduled November 24, 2003**
- (d) Zoning Ordinance Text Amendment (ZOTA-198) – Article 40.20.00 – Parking Requirements - **Scheduled November 24, 2003**

---

**G-4 Green Memorandums:**

- (a) Charter Revision Committee Recommendations
- (b) Emerald Ash Borer Update
- (c) Holiday Lights

---

**G-5 Proposed Proclamations/Resolutions from Other Organizations:**

- (a) City of Farmington Hills – Class C/Tavern License Quota and Escrow System

---

**G-6 Calendar**

---

**G-7 Letters of Appreciation:**

- (a) Telephone Message from Theodora Wiley to Officer Garcher Thanking Him for His Assistance After an Auto Accident at Livernois and Wattles
- (b) Letter from Mary Beth Halushka – Troy Foundation for Educational Excellence, to Chief Charles Craft Thanking Lt. Zavislak and Sgt. Swanson for Their Assistance with Their First Fun Walk
- (c) Letter from Sue Staten to Chief Charles Craft Thanking Detective Todd Gustke for His Assistance with Their Complaint
- (d) Thank You Card from Leslie Weston Thanking Officer Pete Pizzorni for His Promptness in Checking on Her Elderly Cousin Whose Phone was Not Working

---

**G-8 Memorandum, Re: Conservation Easement at Cedar Ridge**

---

**G-9 Memorandum, Re: Governor's "Cool" Cities Initiative**

**G-10** Memorandum, Re: CATV Advisory Committee Action

---

**G-11** Memorandum, Re: Review of House Bill No. 4152 and Senate Bill 721

---

**G-12** Memorandum, Re: Liquor Law Compliance Testing

---

**G-13** Memorandum, Re: City Attorney's Role in Prosecutions

---

**G-14** Memorandum, Re: Comprehensive Annual Financial Report for the Year Ended June 30, 2003 - Copy of Report available for public viewing at the Troy City Clerk's Office

## **PUBLIC COMMENT**

*Public Comment is limited to people who have not addressed Council during the 1<sup>st</sup> Public Comment section (Rules of Procedure for the City Council, Article 5 (15), as amended May 6, 2002).*

## **STUDY ITEMS**

*It is City Management's recommendation to recess the Regular meeting at this time and to immediately reconvene it in the Council Board Room to provide for a study environment. Additionally, it would be recommended that the Mayor request the City Clerk to post notice that the City Council meeting has been relocated to the Council Board Room.*

---

**H-1** Recreation Fees

Respectfully submitted,

John Szerlag, City Manager

A Joint Meeting of the Troy City Council and the Troy Planning Commission was held Tuesday, October 28, 2003 at the Fire Police Training Center. John Szerlag called the Meeting to order at 7:34 P.M.

## **ROLL CALL**

### **City Council Members:**

Mayor Matt Pryor  
David A. Lambert  
Robin Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
Jeanne M. Stine

### **Planning Commission Members:**

Larry Littman, Chair  
Gary Chamberlain (absent)  
Dennis A. Kramer  
Amalfi Parker (student rep; absent)  
Robert M. Schultz  
Walter A. Storrs, III  
Thomas Strat  
Mark J. Vleck  
David T. Waller  
Wayne C. Wright

## **ABSENT MEMBERS**

The following motion was offered by Planning Commission members re: their attendance.

Moved by Littman  
Seconded by Waller

*RESOLVED*, That Chamberlain be excused.

Yes: All – 8  
No: None  
Absent: Chamberlain  
MOTION CARRIED

## **AGENDA OUTLINE**

- |          |  |                    |
|----------|--|--------------------|
| <b>1</b> | <b><u>Role of Moderator</u></b>  | <b>7:30 – 7:50</b> |
|          | <ul style="list-style-type: none"> <li>a) Interest-based approach to problem solving</li> <li>b) Development of ground rules</li> <li>c) Timekeeper volunteer</li> </ul>   |                    |
| <b>2</b> | <b><u>Communication</u></b>  | <b>7:50 – 8:15</b> |
|          | <ul style="list-style-type: none"> <li>a) Communication links between City Council, Planning Commission, and City Management               <ul style="list-style-type: none"> <li>i. Informal (Ongoing)</li> </ul> </li> </ul> |                    |

- ii. Formal (Presentations, resolutions, ordinances)

**3 Defining Role of Planning Commission Related to:**

**8:15 – 9:00**

- a) Ordinance
- b) Relationship between Planning Commission/City Council/Management/  
Board of Zoning Appeals (elevations, drainage, landscaping, existing and  
proposed grading)
- c) Final site plan approval
- d) Special projects
  - i. PUD Procedure
  - ii. Table of Contents for City Code
  - iii. Review of berm and wall requirements

**4 Maintaining Culture of Professionalism**

**9:15 – 9:45**

- a) Allocation of Resources
  - i. Staff Time
  - ii. Budget for Planning Commission as it relates to entire City budget
- b) Development of Process to Recommend Changes to Ordinances

**5 Planning Process as a Tool to Enhance Economic Viability**

**9:45 – 10:15**

- a) Maple Road Study
- b) Suggested Enhancement Projects

**NOTES BASED ON DISCUSSION (RECORDED ON EASEL PAPER)**

Issue: Formalized Communication Between Parties

*Interests:*

- Regular meetings
- PC spokespersons (selected by peers) – present at CC meetings (at least one)
- Avoid delay of projects
- Continuous feedback; ongoing communication
- Team approach
- Opportunity for input on project topics
- Abide by charter provision

*Options:*

- Joint meeting of smaller body
- Identify changes to recommend and attach discussion
- Handle informally while informing petitioner

Issue: Define role of Planning Commission

*Interests:*

- Follow authority in Zoning Ordinance
- Calibrate that authority
- Confidence in roles
- Trust in roles: Planning Commission, City Council, Staff
- Acknowledge/deal with recurring problems
- Clarify/define relationship between Planning Commission and City Council
- What happens in public should not get changed after the fact
- Efficient use of time and resources
- Coordinated PUD process
- Improve PUD process (no corruption)
- Comparative analysis of how others run process
- Creative Incentives
- Discuss opportunities
- Efficient use of staff time (there is limited staff time to meet deadline for six meeting agendas)

*Options:*

- Engineering approvals as part of the site plan
- Examine/change rules (i.e. standards, ordinances)
- Involve members of the development community
- At meeting, have available document showing approval process
- Identify steps:
  - Whether project qualifies for PUD
  - Preliminary site plan
  - Final site plan
- Calibrate specific PUD standards
- Incorporate partnership with Planning Commission
- Include Table of Contents – is there one?
- Encourage assemblage of property (offer suggestions)

Issue: Maintain culture of professionalism*Interests:*

- Efficient use of staff time
- Planning Commission having input into planning process and how budget is spent
- Understanding of Planning Commission budget components

*Options:*

- All three parties identify priorities
- Share workload
- Hire additional staff
- Reduce number of meetings/fewer meetings
- Planning Commission first gets City Council authorization to move forward on projects (City Council has opportunity for input, providing direction) (i.e., “Here’s what we ‘d like to work for the next quarter.”)
- Identify three areas: 1) Planning Department – short-term immediate tasks; 2) medium term projects; 3) long-term project/goal
- Re-write Master Plan
- Strategic Planning Session for Planning Commission

- Develop process to recommend changes to ordinances

Issue: Planning Process as a Tool to Enhance Economic Viability

*Interests:*

- Maple Road Study: include Planning Commission in planning process; vital part of the team
- Encourage attraction and retention of business
- Encourage partnership – committees

*Options:*

- Northwest corner of 16 & Crooks – study re: parking
- Ongoing projects – don't lose sight of them; i.e., sidewalk plan
- Work with Rochester Hills on Paint Creek Trail
- Create our own destination; to which people want to walk

## **VISITOR COMMENTS**

The meeting adjourned at 10:41 PM.

---

Matt Pryor, Mayor

---

Laura Fitzpatrick, Assistant to the City Manager

A Regular Meeting of the Troy City Council was held Monday, November 3, 2003, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:35 P.M.

The Invocation was given by Father Jonathan Sams – St. Stephen's Episcopal Church and the Pledge of Allegiance to the Flag was led by Boy Scout Troop #1701.

## **ROLL CALL**

**PRESENT:** Mayor Matt Pryor  
 Robin E. Beltramini  
 Cristina Broomfield  
 David Eisenbacher  
 Martin F. Howrylak  
 David A. Lambert  
 Jeanne M. Stine – (Absent)

### **Resolution to Excuse Council Member Stine**

Resolution #2003-11-555  
 Moved by Beltramini  
 Seconded by Lambert

RESOLVED, That Council Member Stine's absence at the Regular City Council meeting, Study Session and Closed Session of November 3, 2003 **BE EXCUSED** due to personal reasons.

Yes: All-6  
 No: None  
 Absent: Stine

## **PRESENTATIONS:**

**A-1** (a) Mayor Pryor presented a proclamation of appreciation to Boy Scout Troop #1701 on behalf of the City of Troy; (b) Mayor Pryor presented a proclamation in appreciation and recognition to Jack Turner in recognition of Veterans Day on behalf of the City of Troy.

## **POSTPONED ITEMS**

**D-1** Cedar Knoll Conservation Easements: (a) Approval of Agreement – Kyung Youn Yun – 2361 Cedar Knoll and (b) Approval of Agreement – Luis Bevilacqua – 2373 Cedar Knoll

(a) **Resolution to Approve Agreement – Kyung Youn Yun – 2361 Cedar Knoll**

Resolution #2003-11-556a  
 Moved by Beltramini  
 Seconded by Howrylak

RESOLVED, That the City of Troy City Council **APPROVES** the Agreement Concerning Restoration of Conservation Easement Area between Kyung Youn Yun (2361 Cedar Knoll) and the City of Troy, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE THE AGREEMENT**, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Stine

**AND**

**(b) Resolution to Approve Agreement - Luis Bevilacqua – 2373 Cedar Knoll**

Resolution #2003-11-556b  
Moved by Beltrami  
Seconded by Howrylak

RESOLVED, That the City of Troy City Council **APPROVES** the Agreement Concerning Restoration of Conservation Easement Area between Luis Bevilacqua (2373 Cedar Knoll) and the City of Troy, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE THE AGREEMENT**, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Stine

---

**D-2 Proposed Zoning Ordinance Text Amendment for Section 12.50 – R-1T – One Family Attached Residential Districts (ZOTA #182)**

**Vote on Resolution to Refer to Planning Commission**

Resolution #2003-11-557  
Moved by Howrylak  
Seconded by Beltrami

RESOLVED, That proposed Zoning Ordinance Text Amendment for Section 12.50 – R-1T – One Family Attached Residential Districts (ZOTA #182) be **REFERRED** to the Planning Commission for further review of sidewalks, safety walks and the snow removal plan.

Yes: All-6  
No: None  
Absent: Stine



---

**D-3 Proposed Zoning Ordinance Text Amendment for Section 03.40 – Site Plan Review/Approval (ZOTA #199)**

**Vote on Resolution to Refer to Planning Commission**

Resolution #2003-11-558

Moved by Lambert

Seconded by Beltramini

RESOLVED, That proposed Zoning Ordinance Text Amendment for Section 03.40 – Site Plan Review/Approval (ZOTA #199) be **REFERRED** to the Planning Commission for further review.

Yes: All-6

No: None

Absent: Stine

**RECESS: 9:20 P.M. – 9:41 P.M.**

**PUBLIC COMMENT:**

---

**A. Items on the Current Agenda**

---

**E-21 Standard Purchasing Resolution 1: Award to Low Bidder – Tri-County Purchasing Cooperative Pager Rental Contract**

Resolution #2003-11-559

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That a contract to provide three-year requirements of pager rentals for the City of Troy and various members of the Tri-County Purchasing Cooperative with an option to renew for up to three years is hereby **AWARDED** to the low bidder, Verizon Wireless Messaging Services, for an estimated annual cost of \$29,103.00, at unit prices contained in the tabulation dated October 28, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal and agreement documents acceptable to the City of Troy **AUTHORIZED AND EXECUTED** by the Mayor and City Clerk.

Yes: All-6

No: None

Absent: Stine

---

**G-3 Announcement of Public Hearings:**

- (a) Commercial Vehicle Appeal – 953 Bridge Park – **Scheduled for November 24, 2003**
  - (b) Commercial Vehicle Appeal – 3769 Meadowbrook – **Scheduled for November 24, 2003**
- Noted and Filed

---

**G-5 Letters of Appreciation:**

- (a) Letter from Jeffrey D. Werner, Chief of Police – Bloomfield Township to Chief Charles Craft Thanking Officer Barrows for His Assistance with Their 2003 Open House
- (b) Letter from Sharon Pickett, President of the Michigan Public Purchasing Officers Association to Susan Lancaster – Assistant City Attorney, Thanking Her for Her Presentation at the MPPOA Fall Regional Meeting
- (c) Letter from Rebecca Williams, Manager – Community Programs & Education – Arthritis Foundation to Beverly Sackner Thank Her for Providing a Site for Their Spring & Fall 2003 Education Forum
- (d) Letter from David G. Gorcyca, Prosecuting Attorney – County of Oakland to Chief Charles Craft Congratulating the Department's Class A Team #1 (Officers Bragg, Cascioli, Fitzpatrick, Lucas and Stansbury) for Taking First Place in a Firearms Competition
- (e) Letter from Dorothy Mulka to Chief Charles Craft Thanking Officer Michael Trainer for His Assistance When She Fell in Her Shower
- (f) Letter from Jean Laxton to Chief Charles Craft Thanking Detective Diane Campbell for Her Assistance When Her Purse was Stolen
- (g) Letter from Ralph Koerber, Boy Scout Troop #1701 to the Mayor, City Council and City Administration Thanking the City for Their Support of Community Volunteerism
- (h) Letter from Ralph Koerber, Boy Scout Troop #1701 to the Mayor, City Council and City Administration Thanking the Veterans Committee for Bringing *The Wall That Heals – The Veterans Memorial Wall* to Troy

Noted and Filed

---

**B. Items Not on the Current Agenda****CONSENT AGENDA**

---

**E-1 Approval of Consent Agenda**

Resolution #2003-11-560

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-21, which was considered under Public Comment, A. *Items on the Current Agenda*, and Items E-2, E-11, E--13 and E-19 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6

No: None

Absent: Stine

---

**E-3 City of Troy Proclamations:**

Resolution #2003-11-560-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- (a) Proclamation of Appreciation – Boy Scout Troop 1701
- (b) Proclamation of Appreciation & Recognition – Veteran's Day

---

**E-4 Revised Payment Time Frame for Chestnut Hill and Walnut Hill SAD**

Resolution #2003-11-560-E-4

RESOLVED, That the initial installment billing for asphalt paving of Chestnut Hill and Walnut Hill, Special Assessment Roll No. 02.109.1, **BE SET** to September 6, 2004, with all subsequent required installment payments being billed yearly from this date to allow for physical construction of the project to commence before any payment is required.

---

**E-5 Standard Purchasing Resolution 1: Award to Low Bidders – Traffic Control Signs**

Resolution #2003-11-560-E-5

RESOLVED, That one (1) year contracts to provide Traffic Control Signs with an option to renew for one (1) additional year are hereby **AWARDED** to the lowest bidders: Signs and Blanks, Inc., Vulcan Signs, Osburn Associates, Inc., Rocal, Inc., and Garden State Highway Products for an estimated total cost of \$25,875.00 per year, breakdown is as follows: \$11,367.90; \$9,054.84; \$400.50; \$4,522.20 and \$530.00 respectfully, at unit prices contained in the bid tabulation opened September 24, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-6 Private Agreement for Rockfield Site Condominiums – Project No. 02.955.3**

Resolution #2003-11-560-E-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Peter Laze is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-7 Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2003-11-560-E-7

RESOLVED, That the contracts to provide fleet vehicles from Red Holman Pontiac GMC and Buff Whelan Chevrolet are hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$164,882.30.

**E-8 Private Agreement for First United Methodist Church – Project No. 02.936.3**

Resolution #2003-11-560-E-8

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and First United Methodist Church is hereby **APPROVED** for the installation of water main, storm sewer, detention basin, sanitary sewer sidewalks, landscaping, soil erosion control measures and paving on the site and in the adjacent right-of-way; the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-9 City of Troy v. Melvena Blanton, Wayne Smith, et. al**

Resolution #2003-11-560-E-9

RESOLVED, That the City of Troy City Council **APPROVES** the proposed consent judgment in the City of Troy v. Blanton and Smith condemnation case, and **AUTHORIZES** payment in the amounts stated therein, and further **AUTHORIZES** the City Attorney's Office to **EXECUTE** the consent judgment, which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-10 City of Troy Investment Policy and Establishment of Investment Accounts**

Resolution #2003-11-560-E-10

RESOLVED, That the Investment Policy and establishment of Investment Accounts outlined in the memorandum from John M. Lamerato, Assistant City Manager/Finance and Administration, dated October 27, 2003 with annual review and approval is hereby **APPROVED** and copies of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-12 Acceptance of Permanent Easements for Storm Drain/Sewer - Section 18 – Sidwell #88-20-18-201-031 and 032**

Resolution #2003-11-560-E-12

RESOLVED, That the Permanent Easements for storm drain/sewer from Roy H. Reiterman and Vivian M. Johnson, and Karen Lund Schaefer, Trustee of the Karen Lund Schaefer Living Trust, dated February 24, 1987, being parts of properties having Sidwell #88-20-18-201-031 and 032 respectively are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-14 Approval and Authorization for the Mayor and City Clerk to Sign Natural Features Easement Agreement for Evanswood Parc Subdivision – Abbottsford Development, L.L.C. – Sidwell #88-20-01-451-005**

Resolution #2003-11-560-E-14

RESOLVED, That the Natural Features Easement Agreement from Abbottsford Development, L.L.C. for the Evanswood Parc Subdivision, being part of property having Sidwell #88-20-01-451-005 be **APPROVED** and the Mayor and City Clerk be **AUTHORIZED TO SIGN** said agreement; and the City Clerk is hereby **DIRECTED TO RECORD** said document with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-15 Transfer Ownership of Mr. B's Troy to Rochester Road Ventures, L.L.C.**

**(a) License Transfer**

Resolution #2003-11-560-E-15a

RESOLVED, That the request from Rochester Road Ventures, L.L.C. to transfer ownership of 2003 Class C licensed business with outdoor service (one area), located at 3946 Rochester Rd., Troy, MI 48083 – Oakland County from Mr. B's Troy, Inc. [MLCC REQ ID #226112], be considered for **APPROVAL**; it is the consensus of this legislative body that the application be **RECOMMENDED** for issuance.

**AND**

**(b) Approval of Agreement**

Resolution #2003-11-560-E-15b

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Rochester Road Ventures, L.L.C. which shall become effective upon approval of the request to transfer a Class C licensed business with outdoor service (one area), located at 3946 Rochester Rd., Troy; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-16 Acceptance of Warranty Deed for Road Right-of-Way and Permanent Main Easement – Project No. 02.936.3 – Sidwell #88-20-04-426-003 – First United Methodist Church Water United**

Resolution #2003-11-560-E-16

RESOLVED, That the Warranty Deed for dedication of Livernois Road right-of-way and Permanent Easement for Water Main from First United Methodist Church of Troy, having Sidwell #88-20-04-426-003, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said warranty deed and permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-17 Announcement of Public Hearing – Community Development Block Grant (CDBG) 2004 Application and Re-programming of 2001 Funds**

Resolution #2003-11-560-E-17

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on Monday, December 1, 2003 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the adoption of the Community Development Block Grant 2004 application in the amount of \$199,253.00 and reprogramming of unexpended Year 2001 funds from Special Assessment to Section 36 Flood Drain Improvements.

---

**E-18 Traffic Committee Recommendations**

Resolution #2003-11-560-E-18

RESOLVED, That Traffic Control Order # 03-02-SS is hereby **APPROVED** for the installation of a permanent STOP sign to **REPLACE** a YIELD sign on Leetonia at Tallman.

---

**E-20 Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal for the Home Chore Program**

Resolution #2003-11-560-E-20

RESOLVED, That contracts for seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional winter season are hereby **AWARDED** to the low bidders, Advanced Services 1, Inc. as primary contractor, and Dream Green as secondary contractor, for Proposal A and Proposal B at an estimated cost per call out of \$2,787.30 and \$2,795.00 respectfully, for an estimated total cost per season of \$11,180.00 at unit prices contained in the bid tabulation opened October 17, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

---

**E-22 Set Date for Goals and Objectives Study Session**

Resolution #2003-11-560-E-22

RESOLVED, That a Study Session is hereby **SCHEDULED** for the purpose of discussing City Council's goals and objectives on Monday, November 10, 2003 at 5:30 PM in the Council Board Room.

---

**E-23 Resolution to Excuse Mayor Pryor from Closed Session of Monday, October 20, 2003**

Resolution #2003-11-560-E-23

RESOLVED, That Mayor Pryor's absence be **EXCUSED** from attending the Closed Session held on Monday, October 20, 2003.

## ITEMS TAKEN OUT OF ORDER

---

**E-2 Minutes: Special Meetings of October 20, 2003 and October 25, 2003, and the Regular Meeting of October 27, 2003**

Resolution #2003-11-561

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That the Minutes of the Special Meetings of October 20, 2003 **BE APPROVED** as corrected, and the Minutes of the Special Meeting of October 25, 2003 and the 7:30 PM Regular Meeting of October 27, 2003, be **APPROVED** as submitted.

Yes: All-6

No: None

Absent: Stine

**10:07 P.M. - Mayor Pryor temporarily relinquished the Chair to Mayor Pro Tem Lambert.**

---

**E-11 4<sup>th</sup> Monday Meeting Schedule - Clarification**

Resolution #2003-11-562

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That in addition to the regular City Council meetings scheduled for the first and third Mondays of each month, City Council **SHALL ALSO MEET** on the fourth Monday of the months of January, February, March, May, September, October and November at 7:30 PM with the exception of the observance of a legal holiday; and

BE IT FURTHER RESOLVED, That the purpose of these meetings will be to conduct public hearings and other agenda items where a high volume of public participation is anticipated.

Yes: All-5  
No: None  
Absent: Pryor, Stine

---

**E-13 Approval of Quit Claim Deed and Authorize Mayor and the City Clerk to Sign Deed – Faith Lutheran Church – Southeast ¼ of Section 24 – Sidwell #88-20-24-430-005**

Mayor Pro Tem Lambert disclosed that he is a member of Faith Lutheran Church.

Resolution #2003-11-563  
Moved by Beltrami  
Seconded by Broomfield

RESOLVED, That the Quit Claim Deed from the City of Troy to Faith Lutheran Church, being part of property having Sidwell #88-20-24-430-005 is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-5  
No: None  
Absent: Pryor, Stine

**10:11 P.M. - Mayor Pryor resumed the Chair.**

---

**E-19 Resolution for Automated Clearing House (ACH) and Electronic Transactions**

Resolution #2003-11-564  
Moved by Beltrami  
Seconded by Broomfield

WHEREAS, The City of Troy deems that it is in the best interest of the City to make certain financial transactions by using electronic transactions as described in Act 738 of 2002;

NOW, THEREFORE, BE IT RESOLVED, That the following policy shall govern the use of electronic transactions:

- (a) The Treasurer shall be responsible for establishing all Automated Clearing House (ACH) arrangements for the local unit;
- (b) The Treasurer shall draft a written policy to be followed in accordance with Act 738 of 2002 and presented to the governing body;



- (c) The Treasurer shall be responsible for payment approval, accounting, reporting, and generally overseeing compliance or shall appoint an employee to perform such duties;
- (d) The Treasurer shall submit documentation to the person responsible for approving payments by resolution or charter requirements, detailing goods and services purchased, the cost of goods or services, the date of payment, and the department levels serviced;
- (e) All Automated Clearing House (ACH) transactions shall be approved by the Treasurer before payment is made.

Yes: All-6  
 No: None  
 Absent: Stine

## REGULAR BUSINESS

**F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: (1) Economic Development Corporation, & (b) City Council Appointments: (1) Advisory Committee for Persons with Disabilities; (2) Historical Commission; and (3) Troy Daze**

### **(b) City Council Appointments**

Resolution #2003-11-565  
 Moved by Lambert  
 Seconded by Howrylak

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

#### **Advisory Committee for Persons with Disabilities**

**Appointed by Council (9 Regular, 3 Alternates) – 3 years**

<u>Susan Robosan-Burt</u>	Term expires 11-01-2006
---------------------------	-------------------------

<u>Pauline Manetta</u>	Term expires 11-01-2006
------------------------	-------------------------

<u>Theodora House</u>	Term expires 11-01-2006
-----------------------	-------------------------

<u>Mark Pritzloff</u>	Term expires 11-01-2006 (Alternate)
-----------------------	-------------------------------------

#### **Troy Daze**

**Appointed by Council (9) – 3 years**

<u>Cheryl Whitton-Kaszubski</u>	Term expires 11-30-2006
---------------------------------	-------------------------

<u>Robert A. Berk</u>	Term expires 11-30-2006
-----------------------	-------------------------

Yes: All-6  
No: None  
Absent: Stine

**Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting  
Agenda Scheduled for November 17, 2003:**

**(a) Mayoral Appointments**

**Economic Development Corporation**

Mayor, Council Approval (9) – 6 years

Stuart F Redpath - Does not seek reappointment

Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

**(b) City Council Appointments**

**Advisory Committee for Persons with Disabilities**

Appointed by Council (9 Regular, 3 Alternates) – 3 years

Term expires 11-01-2006 (Alternate)

Term expires 11-01-2006 (Alternate)

Term expires 07-01-2004 (Student)

**Historical Commission**

Appointed by Council (7) – 3 years

Term expires 07-01-2004 (Student)

**Troy Daze**

Appointed by Council (9) – 3 years

Term expires 07-01-2004 (Student)

---

**F-2 Closed Session – (a) Memorandum from Lori Grigg Bluhm, City Attorney – Re: Collective Bargaining Strategy in Closed Session**

Resolution #2003-11-  
Moved by Broomfield  
Seconded by Beltramini

BE IT RESOLVED, That the City Council of the City of Troy **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (c): AFSCME Collective Bargaining Strategy/Negotiation (if needed), and State Statute MCL 15.268 (e): Cities of Troy and Birmingham v. 2100 E. Maple Road, Cities of Troy and Birmingham v. 1495 Mapleway, Cities of Troy and Birmingham v. 1501 Halo, aka 1501 Mapelane; City of Troy v. Jimmy and Bushra Issa (if necessary), after adjournment of this meeting.

**Proposed Amendment**

Resolution #2003-11-  
Moved by Eisenbacher  
Seconded by Pryor

RESOLVED, That the Resolution be **AMENDED** by **STRIKING**, “(if needed)” and “(if necessary)”.

**Vote on Amendment to Amendment**

Resolution #2003-11-566  
Moved by Eisenbacher  
Seconded by Lambert

RESOLVED, That the Amendment be **AMENDED** by **STRIKING** “City of Troy v. Jimmy and Bushra Issa”.

Yes: All-6  
No: None  
Absent: Stine

**Vote on Amendment #1**

Resolution #2003-11-567  
Moved by Eisenbacher  
Seconded by Pryor

RESOLVED, That the Resolution be **AMENDED** by **STRIKING**, “(if needed)” and “(if necessary)” and be further **AMENDED** by **STRIKING** “City of Troy v. Jimmy and Bushra Issa”.

Yes: All-6  
No: None  
Absent: Stine

**Vote on Amended Resolution**

Resolution #2003-11-568  
Moved by Broomfield  
Seconded by Beltramini

BE IT RESOLVED, That the City Council of the City of Troy **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (c): AFSCME Collective Bargaining Strategy/Negotiation, and State Statute MCL 15.268 (e): Cities of Troy and Birmingham v. 2100 E. Maple Road, Cities of Troy and Birmingham v. 1495 Mapleway, Cities of Troy and Birmingham v. 1501 Halo, aka 1501 Maplelane, after adjournment of this meeting.

Yes: All-6  
No: None  
Absent: Stine

---

**F-3 Council Rule #5 – Order of Business Amendments to Provide for “H” Study Items**

Resolution #2003-11-569  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That the Council Rules of Procedure #5. ORDER OF BUSINESS be **AMENDED** as recommended by City Management to provide for an Item H, Study Items, with special rules, as part of the Regular Council Meeting Agenda.

Yes: All-6  
No: None  
Absent: Stine

**Vote on Resolution to Rescind Resolution #2003-10-507**

Resolution #2003-11-570  
Moved by Howrylak  
Seconded by Eisenbacher

RESOLVED, That Resolution #2003-10-507, Moved by Stine and Seconded by Pryor, as it appears below be **RESCINDED** by Troy City Council:

RESOLVED, That Study Sessions are hereby **SCHEDULED** subsequent to the adjournment of the regularly scheduled Council meetings on the first and third Mondays, **CONTINGENT** upon these Study Sessions commencing no later than 10:15 PM.

Yes: Lambert, Stine, Pryor, Beltramini, Broomfield  
No: Howrylak Eisenbacher

Yes: All-6  
No: None

Absent: Stine

---

**F-4 Amendment #1 – Allied Signs, Inc. – Outdoor Lighting Maintenance Contract**

Resolution #2003-11-571

Moved by Lambert

Seconded by Beltramini

WHEREAS, A two-year contract to provide Outdoor Lighting Maintenance with an option to renew for an additional two years was awarded to the low bidder, Allied Signs, Inc. on July 8, 2002, at an estimated total cost of \$52,350.00 for the two years plus (25%) of the contract for changes in the quantity of work (Resolution #2002-07-399-E-5); and

WHEREAS, It is recommended that the contract be amended to include amounts over the authorized 25% for work to be completed by June 30, 2004.

NOW, THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** to provide for additional Outdoor Lighting Maintenance at an estimated cost of \$25,489.00.

Yes: All-6

No: None

Absent: Stine

---

**F-5 Troy v. Livernois Road Partners (3450 Livernois)**

Resolution #2003-11-572

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That the City of Troy City Council **APPROVES** the proposed consent judgment in the City of Troy v. Livernois Road Partners condemnation case, and **AUTHORIZES** payment in the amount stated therein, and further **AUTHORIZES** the City Attorney's Office to **EXECUTE** the consent judgment, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6

No: None

Absent: Stine

---

**F-6 Troy v. Nawrocki et. al. (39155 Dequindre Road)**

Resolution #2003-11-573

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That the City of Troy City Council **APPROVES** the proposed consent judgment . as revised, in the City of Troy v. Rauhut and Nawrocki Trust condemnation case, and

**AUTHORIZES** payment in the amounts stated therein, and further **AUTHORIZES** the City Attorney's Office to **EXECUTE** the consent judgment, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Stine

---

**F-7 Troy v. Isso (Dequindre Road Improvement Project)**

Resolution #2003-11-574  
Moved by Beltrami  
Seconded by Lambert

RESOLVED, That the City of Troy City Council **APPROVES** the proposed consent judgment in the City of Troy v. Isso condemnation case, and **AUTHORIZES** payment in the amounts stated therein, and further **AUTHORIZES** the City Attorney's Office to **EXECUTE** the consent judgment, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Stine

---

**F-8 Waive Recapture of CDBG 2001 Funds**

Resolution #2003-11-575  
Moved by Eisenbacher  
Seconded by Beltrami

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28<sup>th</sup>); and

WHEREAS, The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation; and

WHEREAS, All unobligated 2001 and older funds are at risk of recapture December 31, 2003; and

WHEREAS, Troy may protect unobligated 2001 funds from recapture for one additional year by requesting a waiver; and

WHEREAS, A separate Waiver request form must be submitted for each 2001 line item to the Manager of the Oakland County Community and Home Improvement Division no later than Friday, November 28, 2003.

NOW, THEREFORE, BE IT RESOLVED, That Troy hereby **REQUESTS TO WAIVE** Recapture of 2001 CDBG funds as follows:

Account Number	Project Name:	Amount
2696	Flood Drain Improvements	\$54,782.40
3616	Special Assessment Fund	\$39,159.43

Yes: All-6  
No: None  
Absent: Stine

---

#### **F-9 SOCRRA Delegate and Alternate Appointments**

Resolution #2003-11-576  
Moved by Eisenbacher  
Seconded by Broomfield

WHEREAS, That the appointments of delegate and alternate delegate to the SOCRRA Board expire on November 5, 2003.

NOW, THEREFORE, BE IT RESOLVED, That Martin F. Howrylak is **APPOINTED** as delegate to the SOCRRA Board effective immediately until June 30, 2004; and

BE IT FURTHER RESOLVED, That Matt Pryor is **APPOINTED** as the alternate delegate to the SOCRRA Board effective immediately until June 30, 2004.

Yes: All-6  
No: None  
Absent: Stine

---

#### **F-10 Storm Sewer and Detention Pond Work at the Museum Site**

Resolution #2003-11-577  
Moved by Beltramini  
Seconded by Lambert

WHEREAS, ADJ Excavating, Inc. was the low bidder from a list of contractors reviewed by Gerald J. Yurk Associates, Incorporated for storm sewer and detention basin site work at the east end of the Historic Village Green and is recommended by Gerald J. Yurk Associates, Incorporated, the Church and the Parsonage Project Construction Consultant; and

WHEREAS, Funding is available in the 2003-04 Museum Capital budget, Account #401804.7975.900; and

WHEREAS, ADJ Excavating, Inc. has been able to provide the required insurance and bonds for the work.

BE IT RESOLVED, That a contract with ADJ Excavating, Inc. is **APPROVED** for storm sewer and detention basin work at the Historic Village Green in connection with the relocation of the church and parsonage at a cost of approximately \$100,384.29; and

BE IT FURTHER RESOLVED, That if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project.

Yes: All-6  
No: None  
Absent: Stine

## COUNCIL COMMENTS/COUNCIL REFERRALS

---

### Resolution to Support HP 5145 – Time Frame for Required Connection to Available Public Sewer Line

Resolution #2003-11-578  
Moved by Eisenbacher  
Seconded by Beltrami

RESOLVED, That the City of Troy City Council **SUPPORTS** City Manager, John Szerlag's letter of endorsement to Mr. Chris Ward, Chairman of the Local Government and Urban Policy Committee – Michigan House of Representatives, dated November 3, 2003 for HB 5145 and **BELIEVES** that HB 5145, Time Frame for Required Connection to Available Public Sewer Line, will allow the City of Troy to construct sanitary sewers where and when they are needed, while allowing Troy residents to receive full value for their investment in their septic systems; and

THEREFORE, BE IT RESOLVED, That the City of Troy City Council **SUPPORTS** HB 5145, that addresses an issue that the City of Troy and other urban cities have long been at odds with when addressing failed septic systems and public health and looks forward to a more effective way of addressing failed septic systems and public health.

Yes: All-6  
No: None  
Absent: Stine



---

## REPORTS AND COMMUNICATIONS

---

**G-1 Minutes – Boards and Committees:**

- (a) Charter Revision Committee/Final – December 4, 2001
- (b) Employees' Retirement System Board of Trustees/Final – September 10, 2003
- (c) Youth Council/Draft – September 17, 2003
- (d) Advisory Committee for Persons with Disabilities/Draft – October 1, 2003
- (e) Civic Center Priority Task Force/Final – October 8, 2003
- (f) Library Board/Draft – October 9, 2003
- (g) Parks & Recreation Advisory Board/Draft – October 9, 2003
- (h) Charter Revision Committee/Draft – October 21, 2003
- (i) Civic Center Priority Task Force/Draft – October 22, 2003
- (j) Youth Council/Draft – October 22, 2003

Noted and Filed

---

**G-2 Department Report(s): None submitted**

---

---

**G-4 Proposed Proclamations/Resolutions from Other Organizations:**

- (a) City of Ferndale – Opposition to Michigan Department of Transportation's (MDOT) Plan for a giant consolidated Detroit Intermodal Freight Terminal (DIFT) to be Located in Southwest Detroit
- (b) National Family Caregivers Association – National Family Caregivers Month – November, 2003

Noted and Filed

---

**G-6 Calendar**

Noted and Filed

---

**G-7 Memorandum, Re: Auction – Vehicle Sale on September 27, 2003 in Waterford, Michigan**

Noted and Filed

---

**G-8 Letter from Stuart J. Alderman, Superintendent of Recreation to Rev. Randall D. Engle, Pastor – North Hills Christian Reformed Church, in Response to His Letter Dated October 9, 2003**

Noted and Filed

---

**G-9 Memorandum, Re: Competitive Bids for Land Sales or Exchange**

Noted and Filed

---

## PUBLIC COMMENT

The meeting recessed at 10:35 P.M.

## STUDY ITEMS

*It is City Management's recommendation to recess the Regular meeting at this time and to immediately reconvene it in the Council Board Room to provide for a study environment. Additionally, it would be recommended that the Mayor request the City Clerk to post notice that the City Council meeting has been relocated to the Council Board Room.*

---

H-1 Parks & Recreation Fee Structure

## PUBLIC COMMENT

The meeting adjourned at 11:24 P.M.

---

Matt Pryor, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

A Study Session of the Troy City Council was held Monday, November 10, 2003 at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the meeting to order at 5:35 PM.

---

## ROLL CALL

**PRESENT:** Mayor Matt Pryor  
Robin Beltramini  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert (Arrived 5:40 PM)  
Jeanne M. Stine

**ABSENT MEMBERS** Cristina Broomfield

## **Resolution to Excuse Council Member Broomfield**

Resolution #2003-11-579  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That Council Member Broomfield's absence at the Study Session of November 10, 2003 be excused due to family illness.

Yes: 5  
No: 0  
Absent: Lambert (Arrived 5:40), Broomfield

## MOTION CARRIED

---

1. **Powerpoint Presentation Relative to Organizational Positives for 2003**
2. **Discussion/Wording of New Goals Initially Discussed at the Planning Session of October 25, 2003**

New Goals:

- Minimize cost and increase efficiency of City government
- Retain and attract investment while encouraging redevelopment
- Effectively and professionally communicate internally and externally
- Creatively maintain and improve public infrastructure
- Protect life and property

Objectives:

- Annually improve strategic plan - Becomes an objective under the effective communication goal
- Enhance the aesthetic environment of the City
- Enhance the civic infrastructure

Additional guiding principle:

- Livability

New goals will be adopted at the November 17, 2003 Regular City Council Meeting.

**3. Discussion on Competing Values Associates with Millage Rate, Level of Service, Capital Planning, and Fund Balance**

Assignments to City Management:

- Review non-essential services
- Review quality of life services
- Review status of TDDA
- Change demographics

**PUBLIC COMMENT**

**ADJOURNMENT AT 8:07 PM**

---

Matt Pryor, Mayor

---

Mary Redden, Office Coordinator

**PROCLAMATION  
RED KETTLE CAMPAIGN  
November 19 – December 24, 2003**

**WHEREAS**, Donations collected from the Salvation Army of Metro Detroit's Red Kettle Campaign serves more than 480,000 people in need in Oakland, Wayne and Macomb counties each year; and

**WHEREAS**, Red Kettle Campaign donations provide meals for more than 1,843,250 families, children and senior citizens; and

**WHEREAS**, Red Kettle Campaign donations support the distribution of tens of thousands of gifts to children during the holiday season and throughout the year; and

**WHEREAS**, Volunteers for the Salvation Army visit more than 5,000 residents of area nursing homes, distributing gifts and bringing the spirit of the season to their bedside; and

**WHEREAS**, The Salvation Army provides more than 12,000 units of service to the needy each day, more than 4,380,000 units each year; and

**WHEREAS**, The Salvation Army provides 444,935 shelter nights for homeless individuals and families each year; and

**WHEREAS**, The Salvation Army holiday efforts strive to strengthen family ties during this important time of year and identify needs that can be met year-round through ongoing programs.

**NOW THEREFORE BE IT RESOLVED**, That the City Council of the City of Troy does hereby declare **November 19 – December 24, 2003** as **Red Kettle Days in the City of Troy** in recognition of the efforts of the **Salvation Army of Metro Detroit** to address the crisis of poverty and homelessness in Oakland, Wayne and Macomb counties.

**BE IT FURTHER RESOLVED**, That the Troy City Council encourages all citizens to support the efforts of the Salvation Army during this important time of year.

Signed this 17<sup>th</sup> day of November 2003.

**PROCLAMATION  
CHRISTIAN HERITAGE WEEK  
NOVEMBER 23 – 29, 2003**

**WHEREAS**, Our Founders knew that America's experiment in ordered liberty could not succeed unless the American people remained mindful of God's blessings and faithful to His will; and

**WHEREAS**, We are proud of the numerous faiths woven through the rich fabric of our wonderful City; and

**WHEREAS**, In America, people of many cultures are free to practice their own religion; and

**WHEREAS**, The week of Thanksgiving is an appropriate time to recall the source of our freedoms and appreciate the opportunity to pursue justice, peace, and prosperity; and

**WHEREAS**, In recognition of the significance of this time of year to Christian and other people of faith, and in tribute to the significant contributions made by Christian philosophy and ethics to our nation Americans have celebrated Christian Heritage Week every year since 1992.

**NOW, THEREFORE, BE IT RESOLVED**, That November 23 – 29, 2003 is hereby proclaimed as Christian Heritage Week in the City of Troy.

**BE IT FURTHER RESOLVED**, That the City of Troy urges all citizens to observe this week by joining members of all faiths and creeds in seeking divine guidance for our leaders, our country, and ourselves.

Signed this 17<sup>th</sup> day of November 2003.

**PROCLAMATION  
CELEBRATING THE OPENING OF THE NEW WING  
IMMACULATE CONCEPTION UKRAINIAN SCHOOLS**

**WHEREAS**, We gather together to celebrate the opening of the new wing at the **Immaculate Conception Ukrainian Catholic Schools**; and

**WHEREAS**, The IC Schools and Academy have added a gymnasium and locker rooms, four classrooms, athletic director's office, conference room and new Academy classrooms; and

**WHEREAS**, The IC Schools began when the Immaculate Conception Ukrainian Catholic Elementary School was founded in Hamtramck in 1936, the High School opened in 1959, and in 1983 the IC Schools relocated to their current location in Warren; and

**WHEREAS**, The expansion of the IC Schools showcases the hard work, dynamism, commitment and generosity of the Ukrainian American community and its supporters throughout Michigan; and

**WHEREAS**, A high quality education is provided by the IC Schools as evidenced by the families who continue to send the next generation of students to their alma mater and by the ranking of the IC High School as one of U.S. News & World Report's "Outstanding American High Schools" in 1999; and

**WHEREAS**, The new wing at the IC Schools should help continue the success of their educational community;

**NOW THEREFORE BE IT RESOLVED**, That the City Council of the City of Troy does hereby congratulate **Immaculate Conception Ukrainian Catholic Schools** on the opening of their new wing at the Schools; and

**BE IT FURTHER RESOLVED**, That the City Council of the City of Troy, does hereby join with the citizens of Troy to commend **Immaculate Conception Ukrainian Schools'** rigorous efforts to provide quality education, strong leadership, parental participation, and significant progress in achieving high academic standards.

Presented this 5<sup>th</sup> day of December 2003.

November 6, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Jeanette Bennett, Purchasing Director  
 Carol K. Anderson, Parks and Recreation Director

Subject: Standard Purchasing Resolution 1: Award to Low Bidders –  
 Big Beaver Irrigation Installation

### **RECOMMENDATION**

City management recommends that City Council award contracts to install irrigation at two sites on Big Beaver Road to the low bidders, **Michigan Automatic Sprinkler, Inc., 3180 Walnut Lake Court, Commerce Twp., MI**, at an estimated total cost of \$93,625.00 for Site 1 – Big Beaver medians from I-75 to Rochester Road and Rochester Road medians from I-75 to Torpey, and to **Rayner Lawn Sprinkler, 6708 Alderly Way, West Bloomfield, MI 48322**, at an estimated total cost of \$4,683.00 for Site 2 – Big Beaver medians from Cunningham west. Both awards are contingent upon contractor submission of proper contract and bid documents, including any bonds, insurance certificates, and all specified requirements.

In addition, staff requests authorization to approve changes in the quantity of work, provided the total arithmetic dollar value of such changes, both additive and deductive, does not exceed 10% of the individual contract totals.

### **SUMMARY**

Bids were opened October 28, 2003, for this project, with seven (7) companies responding. As the project included irrigation for two sites on Big Beaver Road with two totally different completion times, it's in the City's best interest to have the sites awarded separately to their respective low bidder(s). This recommendation saves the City approximately \$1,668.00 over a low total award.

### **BUDGET**

Funds will be available to complete these irrigation installation projects in the Capital Accounts 401479.7989.992075 (Big Beaver East) and 401479.7989.932076 (Big Beaver West).

65 Vendors Notified on the MITN System  
 7 Bid Responses Rec'd

Prepared by: Jeff Biegler, Superintendent of Parks



Opening Date -- 10-28-03  
Date Prepared -- 10/30/03

CITY OF TROY  
BID TABULATION  
IRRIGATION PROJECT - BIG BEAVER

ITB-COT 03-32  
Pg 1 of 3

VENDOR NAME:	MICHIGAN	RAYNER LAWN	MARC DUTTON
	AUTOMATIC SPRINKLER	SPRINKLER	IRRIGATION INC
	INC		
CHECK # --	698874584	698874586	473464535
CHECK AMOUNT --	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00

**PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO COMPLETE THE CITY OF TROY IRRIGATION SYSTEM ON BIG BEAVER**

<b>SITE #1:</b> Big Beaver Medians from 1-75 to Rochester Road - For Completion by December 15, 2003			
<b>COMPLETE FOR THE SUM OF:</b>	<b>\$ 93,625</b>	<b>\$ 97,040.40</b>	<b>\$ 93,875</b>
<b>SITE #2:</b> Big Beaver Road fom Cunningham West - For Completion by June 1, 2004			
<b>COMPLETE FOR THE SUM OF:</b>	<b>\$ 7,110</b>	<b>\$ 4,682.43</b>	<b>\$ 6,100</b>
<b>GRAND TOTALS - SITE 1 &amp; SITE 2</b>	<b>\$ 100,735</b>	<b>\$ 101,722.83</b>	<b>\$ 99,975</b>
SCHEDULE OF VALUES: Y or N	YES	YES	YES
PAYMENT SCHEDULE: Y or N	MONTHLY DRAW BASED ON % COMPLETED PER SCHEDULE OF VALUES	BLANK	30 DAYS NET 10TH
INSURANCE: Can Meet Cannot Meet	XX	XX	XX
COMPLETION DATE: Can Meet Cannot Meet	XX	XX	XX
SITE INSPECTION: Y/N Date	YES 10/23 & 10/27/03	YES BLANK	YES 10/27/03
TERMS:	PER APPROVED PAYMENT SCHEDULE		
GUARANTEE:	AS SPECIFIED		
EXCEPTIONS:	NONE	BLANK	INCLUDES ELECTRICAL; BUT NOT PHONELINES. ALL SLEEVES ARE TO BE EXISTING, ADD'L COST TO BORE

**ATTEST:**

Jeff Biegler  
MaryAnn Hays  
Linda Bockstanz

**\* BOLDFACE TYPE DENOTES LOW BIDDERS**

**GRAND TOTAL AWARDED ITEMS:**  
**\$ 98,307.43**

Jeanette Bennett  
Purchasing Director

Opening Date -- 10-28-03  
Date Prepared -- 10/30/03

CITY OF TROY  
BID TABULATION  
IRRIGATION PROJECT - BIG BEAVER

ITB-COT 03-32  
Pg 2 of 3

VENDOR NAME:		AMERICAN	ELITE LAWN	MADDOX
		SPRINKLER	IRRIGATION	IRRIGATION INC
CHECK # --		329751472	698848158	13490589
CHECK AMOUNT --		\$ 6,500.00	\$ 6,500.00	\$ 6,500.00
<b>PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO COMPLETE THE CITY OF TROY IRRIGATION SYSTEM ON BIG BEAVER</b>				
<b>SITE #1:</b> Big Beaver Medians from 1-75 to Rochester Road - For Completion by December 15, 2003				
<b>COMPLETE FOR THE SUM OF:</b>		\$ 98,822	\$ 99,920	\$ 118,500.00
<b>SITE #2</b> Big Beaver Road fom Cunningham West - For Completion by June 1, 2004				
<b>COMPLETE FOR THE SUM OF:</b>		\$ 6,200	\$ 5,625	\$ 7,400.00
<b>GRAND TOTALS - SITE 1 &amp; SITE 2</b>		\$ 105,022	\$ 105,545	\$ 125,900.00
SCHEDULE OF VALUES:	Y or N	YES	YES	YES
PAYMENT SCHEDULE:	Y or N	NET 30 BILLED EA MO	NET 30 DAYS	BLANK
INSURANCE:	Can Meet Cannot Meet	XX	XX	XX
COMPLETION DATE:	Can Meet Cannot Meet	XX	XX	XX
SITE INSPECTION:	Y/N	YES	YES	YES
	Date	10/27&10/28/03	10/30/03	10/27/03
TERMS:	PER APPROVED PAYMENT SCHEDULE			
GUARANTEE:	AS SPECIFIED			
EXCEPTIONS:	SLEEVES UNDER RDS	EXISTING SLEEVING BY	BLANK	
	AER UNDERSTOOD TO	OTHERS.		
	BE EXISTING.	SEVERE WEATHER MAY		
	PROPOSAL BASED ON	IMPACT COMPLETION		
	QTYS STATED IN BID	OF PHASE ONE		

Opening Date -- 10-28-03  
Date Prepared -- 10/30/03

CITY OF TROY  
BID TABULATION  
IRRIGATION PROJECT - BIG BEAVER

ITB-COT 03-32  
Pg 3 of 3

VENDOR NAME:	UNDERGROUND		
	CONTRACTORS INC		
CHECK # --	698825700		
CHECK AMOUNT --	\$ 6,500.00		
<b>PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO COMPLETE THE CITY OF TROY IRRIGATION SYSTEM ON BIG BEAVER</b>			
<b>SITE #1: Big Beaver Medians from 1-75 to Rochester Road - For Completion by December 15, 2003</b>			
<b>COMPLETE FOR THE SUM OF:</b>	\$ 115,039.78		
<b>SITE #2 Big Beaver Road fom Cunningham West - For Completion by June 1, 2004</b>			
<b>COMPLETE FOR THE SUM OF:</b>	\$ 14,162.02		
<b>GRAND TOTALS - SITE 1 &amp; SITE 2</b>	\$ 129,201.80		
SCHEDULE OF VALUES: Y or N	YES		
	MATL UPON DELIVERY		
PAYMENT SCHEDULE: Y or N	90% UPON COMPLETION		
	10% 30 DAYS UPON COMPLETION		
INSURANCE: Can Meet	XX		
Cannot Meet			
COMPLETION DATE: Can Meet	XX		
Cannot Meet			
SITE INSPECTION: Y/N	YES		
Date	10/20/03		
TERMS:	PER APPROVED PAYMENT SCHEDULE		
GUARANTEE:	AS SPECIFIED		
EXCEPTIONS:	BLANK		

## SCHEDULE OF VALUES

[illegible]

## SCHEDULE OF VALUES

[illegible]



## Downloading History for ITB-COT 03-32BB-Irrigati

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 11/6/2003.

<b>Document Title:</b>	Big Beaver Irrigation Project
<b>Date Issued:</b>	10/8/2003
<b>Close Date:</b>	10/28/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
13870	A.G. Housey Company, Inc.	E-mail	10/13/2003	
13773	ABE Associates, Inc.	E-mail	10/10/2003	
12763	ACME Contracting, Ltd.	Free	10/15/2003	
11428	Adj Excavating, Inc	E-mail		
10239	Advanced Irrigation Systems, Inc.	Fax	10/13/2003	
12133	Allied Building Service Company of Detroit, Inc.	E-mail		
14581	American Sprinkler	E-mail	10/17/2003	
14036	Applies Sience & Technology, Inc	E-mail	10/13/2003	
10927	B & L Landscaping	Fax	10/15/2003	
14182	B2 INC	Free	10/15/2003	
13835	Backer Landscaping, Inc.	Free	10/21/2003	
10231	Bernco, Inc.	E-mail		
11631	Bowman Construction LLC	Free	10/9/2003	
10355	Brooks Landscaping, Inc	Fax		
10682	C & R Maintenance d/b/a Rizzo Services	E-mail	10/9/2003	
14508	Cervi Lawn Irrigation	Free	10/13/2003	
10928	Commercial Contracting Corporation	E-mail		
14019	Cornerstone Landscape Design, Inc.	E-mail	10/8/2003	
11681	D and J Lawn and Snow Corp.	E-mail	10/8/2003	
13953	Davey Commercial Grounds Management	Fax	10/16/2003	

12287	Demko Inc.	Free	10/14/2003	
11857	Digital CogniSense, Inc.	E-mail	10/9/2003	
10050	Elite Lawn Irrigation	E-mail	10/13/2003	
11528	Fazal Khan & Assocaites	E-mail		
13448	Great Lakes Executive Services, LLC	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax	10/14/2003	
14484	greenstar	Free	10/13/2003	
13659	In-Line Construction Corp.	E-mail		
13114	Jasso Tree Service, Inc.	Free	10/10/2003	
13902	Lakeshore Engineering Services, Inc.	E-mail		
14283	Marc Dutton Irrigation, Inc.	E-mail	10/8/2003	
11884	Mathisen Company	Fax		
11630	Mercer Equipment Rentals	E-mail		
14512	Michigan Automatic Sprinkler Inc.	Free	10/14/2003	
12592	Midwestern Consulting, LLC.	Free	10/21/2003	
13151	Oakland CommercialInteriors	E-mail		
11059	Pamar Enterprises, Inc.	E-mail		
10065	Payne Landscaping, Inc.	E-mail		
12691	Positive Plumbing & Heating Inc.	Fax		
11924	Presentations One Inc.	E-mail	10/28/2003	
13691	R & E Trucking Inc.	Fax		
14519	Rayner Lawn Sprinklers Co., LLC	Fax	10/14/2003	
10864	Richter's Contracting, Inc.	E-mail		
12336	SAVALLES TRUCKING INC.	Fax		
12265	scodeller construction, inc.	E-mail		
12583	Sigma Associates, Inc.	Free	10/15/2003	
13730	SMART Management Group, LLC	E-mail		
11494	Spring Brook Irrigation, Inc.	E-mail	10/23/2003	
10984	Sunset Excavating, Inc.	E-mail		
12181	T-III, LTd.	Free	10/16/2003	
10974	The Avrie Group, Inc.	E-mail		
12535	The Stansley Group	E-mail	10/9/2003	
13602	Total Outdoor Services	E-mail		
10658	Troy Clogg Landscape Assoc., LLC.	E-mail	10/10/2003	
13532	Underground Lines, Inc.	E-mail		
14488	Valley Turf	Free	10/13/2003	
14335	Virtual Rain	E-mail	10/13/2003	
12554	W. K. Krill & Associates, Inc.	Fax		
13207	Walbridge Aldinger Company	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail	10/27/2003	
11671	Westin Engineering, Inc.	Free	10/13/2003	
10604	white excavating company inc.	Fax		

13711	Williams Construction	E-mail		
14236	Wolgast Corporation	Free	10/9/2003	
13091	Young's Environmental Cleanup	Free	10/16/2003	

[Return to Main Menu](#)

[Return to Report Menu](#)





**TO:** MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY  
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY  
**DATE:** November 5, 2003  
**SUBJECT:** CITY OF TROY v LIVERNOIS ROAD PARTNERS

---

At the November 3, 2003 meeting, City Council approved a proposed consent judgment in the City of Troy v Livernois Road Partners case. Since that time, the attorneys for Defendants have informed us that they failed to include one of the appraiser's invoices in the fees for the approved consent judgment. This invoice, totaling \$600, is a responsibility of the City of Troy under the condemnation statute. Therefore, we have revised the consent judgment to include this amount. We recommend approval of this revised consent judgment.

If you should have any questions regarding this matter, please let us know.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan  
municipal corporation,

Plaintiff,

v

Case No. 01-035350 CC  
Hon. Michael Warren

LIVERNOIS ROAD PARTNERS and  
COUNTY OF OAKLAND,

Defendants.

\_\_\_\_\_/

CITY OF TROY-CITY ATTORNEY'S OFFICE

By: Allan T. Motzny (37580)

Attorney for Plaintiff

500 W. Big Beaver Road

Troy, MI 48084

(248) 524-3320

David W. Berry (P25418)

Ronald E. Reynolds (P40524)

Attorney for Defendants, Livernois Road Partners

32255 Northwestern Highway #280

Farmington Hills MI 48334-1527

(248) 851-3434

\_\_\_\_\_/

**CONSENT JUDGMENT**

At a session of Court held in the  
Courthouse in the City of Pontiac,  
Oakland County, MI

on: \_\_\_\_\_

PRESENT: HONORABLE MICHAEL WARREN, CIRCUIT JUDGE

In this cause, the parties have stipulated to entry of this consent judgment,  
now therefore,

IT IS ORDERED:

IT IS ORDERED:

1. Title to the property which is the subject of this cause of action, and which is fully described in the Complaint for Acquisition of Property and Declaration of Taking filed with this Court on October 11, 2001, has vested in the Plaintiff by virtue of the filing of the Complaint for Acquisition of Property and Declaration of Taking and the entry by this Court on November 21, 2001 of the Order for Payment of Estimated Compensation and Surrender of Possession.
2. As required in the Order for Payment of Estimated Compensation and Surrender of Possession and the Order for Interim Payment of Just Compensation, the Plaintiff previously paid the Defendants estimated just compensation in the amount of \$667,000.
3. Plaintiff shall pay to Defendants the additional sum of One Hundred Three Thousand (\$103,000) Dollars for the acquisition of the property described in the Complaint for Acquisition of Property and Declaration of Taking or otherwise arising out of the taking for public purposes of said property (exclusive of interest, costs and attorney fees) and except as otherwise expressly provided in this Judgment.
4. Pursuant to the provisions of 1931 PA 270 as amended, MCL 213.291, any amounts incurred up to the date of taking as delinquent taxes, assessments or water bills, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in paragraph 3.
5. Plaintiff shall further pay Defendants statutory interest on the unpaid just compensation of \$103,000 from and after November 21, 2001 in

accordance with the provisions of Section 15 of the Uniform Condemnation Procedures Act, MCL 213.65, until the date of actual tender of payment. The amount of said interest as of November 14, 2003 is \$11,361.04.

6. Plaintiff, in accordance with MCL 213.66(1), shall pay appraisal fees incurred by Defendants in the amount of \$8,940 (Andrew Chamberlain), as well as the expert wetland consultant fees incurred by Defendants in the amount of \$1,633.07 (Brooks Williamson), plus a jury fee of \$60 paid by Defendants.

7. The payee in all instruments of payment drawn pursuant to this judgment for just compensation and interest shall be Livernois Road Partners and Berry and Reynolds, P.C.

8. Pursuant to the provisions of Section 2 of the General Property Tax Act, being 1893 PA 206, as amended, (MCL 211.2) taxes paid or deducted shall be prorated, on a due-date basis and adjusted proportionately for the amount of the acquisition, and an appropriate adjustment shall be made in the amount paid or withheld pursuant to this judgment.

9. Plaintiff shall pay the one-third contingency attorney fee reimbursement, pursuant to Section 16(3) of the Uniform Condemnation Procedures Act (1980 PA 87; MCL 213.66(3), which amount as of November 14, 2003 is \$108,910.85. Plaintiff shall pay the attorney fee reimbursement directly to Berry and Reynolds, P.C. on or within a reasonable time after January 5, 2004.

10. Upon payment by Plaintiff of the sums recited herein, any and all claims of Defendants which have been asserted or which could have been asserted against Plaintiff arising out of the taking of the subject property or by reason of

any other claims for damages which could or may have been asserted by reason of the commencement of the instant proceedings shall be forever barred.

11. This judgment resolves the last pending claims and closes the case.

---

Circuit Judge

Approved as to substance and form;  
notice of entry waived

---

Allan T. Motzny (P37580)  
Attorney for Plaintiff

---

David W. Berry (P25418)  
Ronald E. Reynolds (P40524)  
Attorneys for Defendants

November 4, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager  
Mary Redden, Office Coordinator

SUBJECT: Mayor Pryor's Attendance of U.S. Conference of Mayors  
72nd Winter Meeting in Washington, DC  
January 21-23, 2004

Mayor Pryor is requesting authorization to attend the U.S. Conference of Mayors  
*72<sup>nd</sup> Winter Meeting* in Washington, DC from January 21-23, 2004.



# THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST  
WASHINGTON, D.C. 20006  
TELEPHONE (202) 293-7330  
FAX (202) 293-2352  
URL: [www.usmayors.org](http://www.usmayors.org)

## RECEIVED

OCT 23 2003

CITY OF TROY  
CITY MANAGER'S OFFICE

October 17, 2003

President:  
JAMES A. GARNER  
Mayor of Hempstead  
Vice President:  
DONALD L. PLUSQUELLIC  
Mayor of Akron  
Past Presidents:  
JERRY ABRAMSON  
Mayor of Louisville Metro  
VICTOR ASHE  
Mayor of Knoxville  
RICHARD M. DALEY  
Mayor of Chicago  
THOMAS M. MERINO  
Mayor of Boston  
JOSEPH P. RILEY, JR.  
Mayor of Charleston, SC

Trustees:  
ELIZABETH G. FLORES  
Mayor of Laredo  
MICHAEL A. GUIDO  
Mayor of Dearborn  
PATRICK HENRY HAYS  
Mayor of North Little Rock  
SHARPE JAMES  
Mayor of Newark, NJ  
WILLIAM A. JOHNSON, JR.  
Mayor of Rochester, NY  
SCOTT L. KING  
Mayor of Gary  
DANNEEL P. MALLOY  
Mayor of Stamford  
ARLENE J. MULDER  
Mayor of Arlington Heights  
RITA L. MULLINS  
Mayor of Palatine  
MEYERA E. OBERNDORF  
Mayor of Virginia Beach  
DOUGLAS H. PALMER  
Mayor of Trenton  
BILL PURCELL  
Mayor of Nashville  
DAVID W. SMITH  
Mayor of Newark, CA  
GREG SPARROW  
Mayor of DeKalb

Advisory Board:  
BEVERLY O'NEILL, Chair  
Mayor of Long Beach  
IRMA L. ANDERSON  
Mayor of Richmond, CA  
ALAN AULTRY  
Mayor of Fresno  
KAY BARNES  
Mayor of Kansas City, MO  
J. CHRISTIAN BOLLWAGE  
Mayor of Elizabeth  
JAMES BRAINARD  
Mayor of Carmel, IN  
LEE P. BROWN  
Mayor of Houston  
WILLIE L. BROWN, JR.  
Mayor of San Francisco  
JANE CAMPBELL  
Mayor of Cleveland  
MARTIN J. CHAVEZ  
Mayor of Albuquerque  
PETER A. CLAVELLE  
Mayor of Burlington  
MANUEL A. DIAZ  
Mayor of Miami  
SHIRLEY FRANKLIN  
Mayor of Atlanta  
OSCAR B. GOODMAN  
Mayor of Las Vegas  
KIRK HUMPHREYS  
Mayor of Oklahoma City  
HARVEY JOHNSON  
Mayor of Jackson, MS  
ELIZABETH B. KAUTZ  
Mayor of Burnsville  
KWAME M. KILPATRICK  
Mayor of Detroit  
EVELYN LORD  
Mayor of Beaumont  
RAY MARTINEZ  
Mayor of Fort Collins  
PATRICK MCCRORY  
Mayor of Charlotte  
LAURA MILLER  
Mayor of Dallas  
GUS MORRISON  
Mayor of Fremont, CA  
GREG NICKELS  
Mayor of Seattle  
MARTIN O'MALLEY  
Mayor of Baltimore  
BART PETERSON  
Mayor of Indianapolis  
JORGE A. SANTINI  
Mayor of San Juan  
JOHN R. STREET  
Mayor of Philadelphia  
CHARLES E. TOOLEY  
Mayor of Billings  
JUDITH VALLES  
Mayor of San Bernardino  
BOB YOUNG  
Mayor of Augusta, GA  
SHELIA YOUNG  
Mayor of San Leandro  
Executive Director:  
TOM COCHRAN

**RE: 72nd WINTER MEETING - JANUARY 21-23, 2004  
WASHINGTON, DC**

Dear Mayor:

The 72nd Winter Meeting of The United States Conference of Mayors will be held in Washington, DC, at the Capital Hilton Hotel, January 21-23, 2004.

For your information an agenda outline is enclosed. A more detailed program will be forwarded to you in the near future.

***Enclosed are registration and hotel reservation forms which must be returned to Carol Edwards at the Conference headquarters. Please note the deadline of December 19, 2003 to assure your hotel reservations.***

Please mark your calendar now and plan to join us at this very important meeting.

Sincerely,

J. Thomas Cochran  
Executive Director

**Enclosures:**  
Registration Form  
Draft Agenda

**U.S. Conference of Mayors**  
**72<sup>nd</sup> Winter Meeting**  
**Conference Registration and Hotel Reservations**  
**January 21-23, 2004**  
**Washington, DC**

**REGISTRATION FORM**

(No registrations will be processed without accompanying payment)

Name Matt Pryor Title: Mayor  
Organization City of Troy  
Street Address 500 W. Big Beaver  
City Troy State MI Zip 48064  
Telephone (248) 524-3329 Fax (248) 524-0851  
Preferred Name on Badge Matt

Name of Spouse \_\_\_\_\_  
(There is no additional registration fee for spouses.)

Attendee(s) has special needs: ☐ Yes ☒ No (If yes, USCM will contact.)  
Newly Elected: ☐ Yes ☒ No  
First Time Attendee: ☐ Yes ☒ No

**CONFERENCE REGISTRATION INFORMATION**

(No registrations will be processed without accompanying payment)

**Registration Fees:**

Advance Registration:  
(Payable by December 19)

**MEMBER**  
**\$500**

**NON-MEMBER**  
**\$800**

Late/On-Site:  
(After December 19 and On-site)

**\$600**

**\$900**

Checks or purchase orders for payment of registration fees should be made payable to: **The United States Conference of Mayors**. Refunds will be made for cancellations received in writing by December 19 (less a \$50.00 service fee). **NO REFUNDS** will be made for cancellations received after December 19.

\*\*\*\*\*

CREDIT CARD AUTHORIZATION: Please note by submitting your card information, you are authorizing USCM Meetings Department to use the card below to pay your registration fee.

Credit Card No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

(USCM Only) Authorization Code \_\_\_\_\_ Date \_\_\_\_\_

**PLEASE RETURN THIS FORM WITH YOUR REGISTRATION PAYMENT TO:**

The United States Conference of Mayors  
Attention: Carol Edwards  
1620 Eye Street, NW  
Washington, DC 20006  
Telephone (202)293-7330 Fax (202)467-4276

**PLEASE SEE REVERSE SIDE FOR HOTEL RESERVATION REQUEST FORM**



# HOTEL ACCOMMODATIONS RESERVATION REQUEST

☐ I DO NOT REQUIRE HOTEL ACCOMMODATIONS.

Please reserve the following accommodations (Check hotel and circle room type).



**Please Circle Room Type:**

**THE CAPITAL HILTON**

16<sup>th</sup> & K Streets, NW

Washington, DC 20036

202/393-1000

*Headquarters Hotel*

Single/Double

\$184

Towers

\$214

Mini-Suite

\$308

1 BR Suite

\$435

2BR Suite

\$637

Tax: 14.5%



**Please Circle Room Type:**

**THE ST. REGIS HOTEL**

923 16<sup>th</sup> & K Streets, NW

Washington, DC 20006

202/638-2626

*Across the street from Headquarters Hotel*

Single/Double

\$219

Tax: 14.5%

Arrival Date: \_\_\_\_\_ Departure Date: \_\_\_\_\_

Guarantee room to the following Credit Card (Circle One):

Visa    MC    AE    Diners    Other specify: \_\_\_\_\_

Card No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature: \_\_\_\_\_

## ***Reservation Information:***

1. Hotel accommodations *cannot be assured at the above hotels after December 19, 2003.*
2. Do not call the hotels directly, as the hotels will accept ONLY reservations forwarded by The U.S. Conference of Mayors' office in Washington, DC.
3. An advance guarantee equal to one night's room deposit is required by the hotels to guarantee your reservation. This guarantee must be made by major credit card (including VISA, MC, AE, DINERS), or by check made payable to the hotel. Do not make checks payable to the U.S. Conference of Mayors.
4. Reservation confirmation notices will be mailed directly to you from the hotels.
5. Changes in arrival and departure dates and cancellations of hotel reservations should be submitted in writing to USCM, not the hotels.
6. Check-in time is 3:00 p.m. and checkout time is 12:00 noon

**THE UNITED STATES CONFERENCE OF MAYORS**  
**72<sup>nd</sup> Winter Meeting**  
**January 21-23, 2004**  
**Washington, DC**

**DRAFT AGENDA**

**WEDNESDAY, JANUARY 21**

7:30 - 9:00 am	<b>TASK FORCE MEETINGS</b>
9:00 - 10:30 am	<b>STANDING COMMITTEES</b> Education Environment Transportation & Communications Urban Economic Policy
10:30 - 12:00 Noon	<b>PLENARY SESSION</b>
12:00 - 1:30 pm	<b>LUNCHEON</b>
2:00 - 3:30 pm	<b>WORKSHOPS</b>
3:30 - 5:00 pm	<b>STANDING COMMITTEES</b> Arts, Parks, Entertainment & Sports Criminal and Social Justice International Affairs Membership
6:00 - 7:30 pm	<b>OPENING RECEPTION</b>
7:30 p.m.	USCM Advisory Board Dinner (Invitation Only)

**THURSDAY, JANUARY 22**

7:00 - 8:30	<b>TASK FORCE MEETINGS/WORKSHOPS</b>
8:30 - 10:30 am	<b>OPENING PLENARY SESSION</b>

10:30 - 12:00 Noon	<b>STANDING COMMITTEES</b> Children, Health and Human Services Community Development & Housing Energy Workforce Development
12:00 - 2:00 pm	<b>LUNCHEON</b>
2:30 - 3:30 pm	<b>TASK FORCE MEETINGS</b>
2:30 - 3:30 pm	USCM Executive Committee (closed)
3:30 - 5:00 pm	Women Mayors
5:00 - 6:30 pm	Republican Mayors and Local Officials
5:00 - 6:30 pm	National Conference of Democratic Mayors
6:30 - 8:00 pm	<b>RECEPTION</b>

**FRIDAY, JANUARY 23**

7:30 - 9:30 am	<b>PUBLIC/PRIVATE PARTNERSHIP AWARDS BREAKFAST</b>
10:00 AM	Meeting with the President of the United States (confirmation pending) (The White House – Mayors Only)
12:00 - 2:00 Noon	<b>CLOSING LUNCHEON</b>  Adjourn

November 6, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Permanent Easement for Sanitary  
Sewer – Project No. 03.918.3 – Shops at Torpey  
Sidwell #88-20-23-303-025 – Southwest ¼ of Section 23

In connection with the construction of Shops at Torpey at the northeast corner of Torpey and Rochester Road, the Real Estate and Development Department has acquired a Permanent Easement for sanitary sewer from Old Troy, L.L.C., a Michigan Limited Liability Company. The consideration is \$1.00.

Management recommends that City Council accept this easement.

cc: Steve Vandette, City Engineer

PERMANENT EASEMENT

Sidwell #88-20-23-303-025

Old Troy, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 12830 Rattalee Lake Road, Davisburg, MI 48350 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

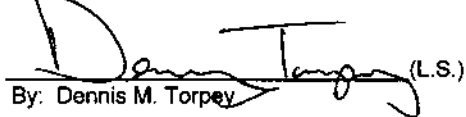
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

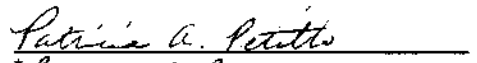
IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 3RD day of NOVEMBER A.D. 2003

OLD TROY, L.L.C., A MICHIGAN LIMITED  
LIABILITY COMPANY

 (L.S.)  
By: Dennis M. Torpey

STATE OF MICHIGAN     )  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 3RD day of NOVEMBER, 2003 by Dennis M. Torpey of Old Troy, L.L.C., a Michigan Limited Liability Company.

  
\*PATRICIA A. PETITTO  
Notary Public, OAKLAND County, Michigan

My Commission Expires 12-31-04

Prepared by: Patricia A. Petitto  
City of Troy  
Real Estate & Development Dept.  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

## EXHIBIT "A"

### PROPERTY DESCRIPTION

PART OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST; THENCE SOUTH 01°50'55" EAST, ALONG THE EXISTING RIGHT-OF-WAY CENTERLINE OF ROCHESTER ROAD (M-150), 657.00 FEET AND NORTH 87°49'00" EAST 75.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 87°49'00" EAST 142.76 FEET; THENCE SOUTH 01°50'55" EAST 119.18 FEET; THENCE SOUTH 87°49'56" WEST 142.76 FEET TO THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD; THENCE, ALONG SAID EAST LINE, NORTH 01°50'55" WEST 119.14 FEET TO THE POINT OF BEGINNING, CONTAINING 17,011 SQUARE FEET OR 0.391 ACRES OF LAND, SUBJECT TO AND TOGETHER WITH ANY EASEMENTS, RESTRICTIONS OR RESERVATIONS AFFECTING THIS DESCRIBED PARCEL.

TAX I.D. NO. 20-23-303-025

ALSO, LOT 1 OF "TORPEY ACRES" A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 75, PAGE 4 OF PLATS, OAKLAND COUNTY RECORDS.

TAX I.D. NO. 20-23-303-035

### SANITARY SEWER EASEMENT

A 12 FT. WIDE STRIP OF LAND BEING PART OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. THE CENTERLINE OF WHICH IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST; THENCE SOUTH 01°50'55" EAST, ALONG THE EXISTING RIGHT-OF-WAY CENTERLINE OF ROCHESTER ROAD (M-150), 657.00 FEET AND NORTH 87°49'00" EAST 75.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD; THENCE, ALONG SAID EAST LINE, SOUTH 01°50'55" EAST 119.14 FEET; THENCE NORTH 87°49'56" EAST 114.00' FEET TO THE POINT OF BEGINNING; THENCE NORTH 02°10'04" WEST 9.00 FEET TO THE POINT OF ENDING.

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager-Finance and Administration

RE: 2003-04 Budget Amendment No. 1

DATE: November 11, 2003

Upon completion of the annual audit it has become customary to present City Council a Budget Amendment reconciling capital projects that were estimated at budget time and outstanding purchase orders as of the end of the fiscal year. The attached amendments are for capital items that were included in the 2002-03 budget that were in various stages of completion at June 30, 2003 and will be completed in 2004. **Please note that the attached amendments are not for projects coming in over budget.**

Some of the major capital expenditures requiring amendments are:

- Major road projects – Long Lake, Dequindre
- Local road projects in various stages of completion
- Technology enhancements
- Fire Station No. 3
- Museum improvements

It is requested that the attached budget amendment be approved.

## 2003-04 Budget Amendment No. 1

	<u>CURRENT BUDGET</u>	<u>AMENDMENT</u>	<u>AMENDED BUDGET</u>
<b><u>CAPITAL PROJECTS FUND</u></b>			
<b>REVENUE:</b>			
CONT. LOCAL - COUNTY	\$ -	\$ 79,050	\$ 79,050
FUND BALANCE			
UNRESERVED/UNDESIGNATED	12,990,149	(8,065,987)	4,924,162
RESERVE FOR ENCUMBRANCES	1,823,841	(1,823,841)	-
CLEARY LANDFILL SITE IMPROV.	370,782	(370,782)	-
TOTAL AMENDMENT TO REVENUE		<u>\$ 10,339,660</u>	
<b>EXPENDITURES:</b>			
<b>TREASURER</b>			
EQUIPMENT - OFFICE	\$ -	\$ 9,700	\$ 9,700
<b>INFORMATION TECHNOLOGY</b>			
COMPUTER EQUIPMENT	\$ 235,000	\$ 104,365	\$ 339,365
COMPUTER SOFTWARE	420,000	70,030	490,030
COMPUTER CONSULTING	665,000	132,610	797,610
PLANTE & MORAN	-	11,430	11,430
		<u>\$ 318,435</u>	
<b>CITY HALL</b>			
OFFICE RENOVATION	\$ 200,000	\$ 378,990	\$ 578,990
<b>COMMUNITY AFFAIRS</b>			
EQUIPMENT - GENERAL	\$ 50,000	\$ 29,200	\$ 79,200
<b>POLICE</b>			
UNIFORM PATROL			
EQUIPMENT - GENERAL	\$ 63,800	\$ 7,400	\$ 71,200
EQUIPMENT - VEHICLE	-	16,200	16,200
COMMUNICATIONS			
EQUIPMENT - OFFICE	105,000	195,610	300,610
		<u>\$ 219,210</u>	



## 2003-04 Budget Amendment No. 1

	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET
<b>FIRE</b>			
BUILDINGS & IMPROVEMENTS - ST.#3	\$ 670,000	\$ 370,110	\$ 1,040,110
<b>BUILDING INSPECTION</b>			
EQUIPMENT - OFFICE	\$ 10,000	\$ 46,220	\$ 56,220
<b>ENGINEERING</b>			
BUILDINGS & IMPROVEMENTS	\$ -	\$ 37,640	\$ 37,640
EQUIPMENT - GENERAL	-	9,520	9,520
		\$ 47,160	
<b>PUBLIC WORKS</b>			
LAND IMPROVEMENTS	\$ 75,000	\$ 23,160	\$ 98,160
BUILDINGS & IMPROVEMENTS	153,000	144,110	297,110
EQUIPMENT - GENERAL	114,000	(22,490)	91,510
MAJOR ROADS	14,354,300	3,314,490	17,668,790
LOCAL ROADS	2,820,000	945,950	3,765,950
DRAINS	1,662,970	255,750	1,918,720
SIDEWALKS	495,000	794,840	1,289,840
TRAFFIC SIGNALS	200,000	25,290	225,290
RECYCLING	-	20,000	20,000
		\$ 5,501,100	

## 2003-04 Budget Amendment No. 1

	CURRENT BUDGET	AMENDMENT	AMENDED BUDGET
<b>PARKS AND RECREATION</b>			
OEC	\$ 50,000	\$ 41,140	\$ 91,140
PLANNING & PARK DESIGN	25,000	27,910	52,910
SCHOOL JOINT PROJECTS	60,000	8,240	68,240
ADMIN. EQUIPMENT - GENERAL	10,000	11,090	21,090
PARK DEVELOPMENT	261,000	758,330	1,019,330
MUNICIPAL GROUNDS	202,000	27,760	229,760
SECTION ONE GOLF COURSE	1,923,000	1,701,425	3,624,425
		<u>\$ 2,575,895</u>	
<b>MUSEUM</b>			
HISTORIC GREEN DEV.	\$ 897,540	\$ 337,510	\$ 1,235,050
BUILDINGS & IMPROVEMENTS	340,000	29,550	369,550
ARTIFACTS	5,000	6,570	11,570
		<u>\$ 373,630</u>	
<b>LIBRARY</b>			
EQUIPMENT - OFFICE	\$ 50,000	\$ 91,010	\$ 141,010
GENERAL REPAIRS	75,000	379,000	454,000
		<u>\$ 470,010</u>	
TOTAL AMENDMENT TO EXPENDITURES		<u><u>\$ 10,339,660</u></u>	

Amendment requested to provide funds for outstanding purchase orders at June 30, 2003, and to reconcile capital projects in various stages of completion at June 30, 2003.

November 11, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Charles Craft, Chief of Police  
Gary Mayer, Police Captain  
Thomas Gordon, Police Sergeant

SUBJECT: Request by **Drury Inns, Inc.**, to add space, and change classification from Class C to B-Hotel

**Drury Inns, Inc.**, is requesting to **add space** to a 2003 Class C and SDM licensed business, and to **change classification** from Class C to B-Hotel.

At its November 10th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was Mr. John Carlin, attorney for Drury Inns. Mr. Carlin explained that the hotel has expanded by an additional 63 guest rooms, and that the existing spaces are all being remodeled. The hotel would like to change classification from a Class C to B-Hotel, to permit the service of alcohol in the guest rooms in the form of room service and mini bars. The committee unanimously approved the request.

The police department's background investigation of the corporate officers revealed no liquor violations or criminal activity. Consequently, we have no objection to this request.



**POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST**

(Authorized by MCL 436.1217)

**MICHIGAN LIQUOR CONTROL COMMISSION**

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Donley  
9/11/03

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.**  
**Return the completed report and fingerprint cards to the Commission.**

BUSINESS NAME AND ADDRESS: (include zip code)

DRURY INNS, INC., 575 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY. (248) 528-3330.

REQUEST FOR: ADD SPACE TO 2003 CLASS C AND SDM LICENSED BUSINESS, LOCATED AT THE ABOVE ADDRESS IN OAKLAND COUNTY; and change classification from class C to B-Hotel.

**Section 1. NO FINGERPRINTS****APPLICANT INFORMATION**

APPLICANT #1: DRURY INNS, INC.

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

575 W. BIG BEAVER, TROY, MI 48084  
(248) 528-3330.

DATE OF BIRTH:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Date fingerprinted:

**Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.**ARREST RECORD: ☐ Felony ☐ MisdemeanorARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests &amp; convictions (attach a signed and dated report if more space is needed)

Enter record of all arrests &amp; convictions (attach a signed and dated report if more space is needed)

**Section 2.****Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

**Section 4.****Recommendation**

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☐ Yes☐ No

2. Is the proposed location satisfactory for this business?

☐ Yes☐ No

3. Should the Commission grant this request?

☐ Yes☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

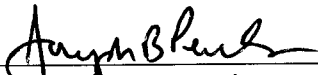
Date

Troy Police Department

# AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 7th day of October, 2003, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and DRURY INNS, INC. (A MISSOURI CORPORATION) the Applicant, hereinafter known as APPLICANT.


1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to **add space** to 2003 Class C-SDM licensed business, located at 575 W. Big Beaver, Troy, MI 48084, Oakland County, by APPLICANT.
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
  - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter Nos. 67, 68, and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
  - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
  - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.



Authorized Representative

Joseph B. Pereles, Secretary  
DRURY INNS, INC.  
(A MISSOURI CORPORATION)

Witnesses:

x 

x 

Subscribed and sworn to before me  
this 7th day of October, 2003



**CHAINA PORTER**  
St. Louis County  
My Commission Expires  
April 2, 2007

Notary Public, Chaina Porter  
County, St. Louis  
My commission expires: 4/2/2007

CITY OF TROY

By: \_\_\_\_\_  
Matt Pryor, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Witnesses:

\_\_\_\_\_  
  
\_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_

\_\_\_\_\_

Notary Public, Oakland  
County, Michigan  
My commission expires:



# LCC

## Liquor Licensee History

Business name: **Drury Inn**

Address: 575 W. Big Beaver Rd. (248) 528-3330

Licensee: Hamlin Restaurants, Inc.

License type: **Class C** (75604-2002) **SDM** (75605-2002)

Permits: Sunday Sales

Comments: Drury Inns, Inc., 10801 Pear Tree Lane, St. Ann, MO 63074 (314) 429-2255

Date	Troy Incident #	Type	Disposition	Date
10/04/99		Council approves Class C / SDM transfer from W Bloomfield		
04/20/02	02-12218	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
10/16/02	02-34103	Liquor Inspection (Road Patrol- Swift)	NO VIOLATIONS	
11/30/02	02-38827	Liquor Inspection (Road Patrol-Garcher)	NO VIOLATIONS	
02/16/03	03-4873	Liquor Inspection (Road Patrol-Garcher)	NO VIOLATIONS	
05/25/03	03-15558	Liquor Inspection (Road Patrol-Warzecha)	NO VIOLATIONS	
07/27/03	03-23205	Liquor Inspection (Road Patrol-Warzecha)	NO VIOLATIONS	
09/07/03	03-27913	Liquor Inspection (Road Patrol-Warzecha)	NO VIOLATIONS	

A regular meeting of the Liquor Advisory Committee was held on Monday, November 10, 2003 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Henry Allemon called the Meeting to order at 7:01 p.m.

**ROLL CALL:**

**PRESENT:** Henry W. Allemon  
Alex Bennett  
Anita Elenbaum  
W. Stan Godlewski  
Emily Polet, Student Representative  
Carolyn Glosby, Assistant City Attorney  
Sergeant Thomas J. Gordon  
Pat Gladysz

**ABSENT:** Max K. Ehlert  
James C. Moseley  
James R. Peard

**Resolution to Excuse Committee Members Ehlert, Moseley, and Peard**

Resolution #LC2003-11-011  
Moved by Godlewski  
Seconded by Elenbaum

RESOLVED, that the absence of Committee members Ehlert, Moseley, and Peard at the Liquor Advisory Committee meeting of November 10, 2003 BE EXCUSED due to other commitments.

Yes: All-4  
No: None  
Absent: Ehlert, Moseley, Peard

---

**Resolution to Approve Minutes of October 13, 2003 Meeting**

Resolution #LC2003-11-012  
Moved by Godlewski  
Seconded by Elenbaum

RESOLVED, that the Minutes of the October 13, 2003 meeting of the Liquor Advisory Committee be approved.



Yes: All-4  
No: None  
Absent: Ehlert, Moseley, Peard

---

**Agenda Items:**

1. **DRURY INNS, INC. (A MISSOURI CORPORATION)**, 575 W. Big Beaver, Troy, MI 48084, Oakland County requests to **add space** to 2003 **Class C and SDM** licensed business, ***and to change classification from Class C to B-Hotel.***  
[MLCC REQ ID# 231045]

Present to answer questions from the Committee was John Carlin.

Mr. Carlin explained that the Drury Inn is currently renovating the existing guest rooms in the north-south wing and adding 63 new guest rooms. Improvements are also being made to the entryway. The addition of the new guest rooms allows the corporation to request a change in classification from a "Class C" to a "Class B" hotel. This change in classification will permit the hotel to serve alcohol in the guest rooms in the form of room service and mini bars.

There was a brief discussion by the Committee members. Sgt. Gordon stated that the City inspections are currently underway on this property. Approval of this request should be on the condition that the inspections are approved.

Resolution #LC2003-11-013

Moved by Godlewski

Seconded by Bennett

RESOLVED, that DRURY INNS, INC. (A MISSOURI CORPORATION), 575 W. Big Beaver, Troy, MI 48084, Oakland County be allowed to add space to 2003 Class C and SDM licensed business, and to change classification from Class C to B-Hotel, pending approval of city inspections on current construction.

Yes: All-4  
No: None  
Absent: Ehlert, Moseley, Peard

---

Carolyn Glosby, assistant City Attorney, brought two items to the attention of the Committee.

1. Ms. Glosby read the language of House Bill Nos. 5201 and 5202, both of which are currently “in committee.”
  - Bill No. 5201 provides that a city with population over 750,000 may amend its ordinance to allow Class C licensees to serve alcohol until 4:00 a.m.
  - Bill No. 5202 provides that a home rule city (of any size) may amend its ordinance to allow any on-premises licensee to serve alcohol "until any such time as designated by the legislative body" of that city.
2. Ms. Glosby distributed a Proposed Resolution for review and approval by the Committee. This will be presented to City Council for their approval. Ms. Glosby and Lori Grigg Bluhm, City Attorney, will be attending the Michigan Liquor Control Commission Meeting in Lansing on December 3, 2003. They intend to present this Resolution to the MLCC for their consideration. The language of the Proposed Resolution appears below:

Proposed resolution

For review by Liquor Advisory Comm.

WHEREAS, the City Council has observed that within the City of Troy, several holders of specially designated dealer/specially designated merchant (“SDD/SDM”) licenses persist in selling or furnishing alcohol to minors despite being the subjects of previous prosecution on numerous occasions for this illegal activity; and

WHEREAS, current State law provides that SDD/SDM licenses may only be suspended or revoked by the Michigan Liquor Control Commission (the “Commission”) after it determines that the licensee has furnished or sold alcohol to a person under 21 years old on at least three occasions within a calendar year, if the person under 21 years of age did not use false or fraudulent identification (MCL 436.1501(3)); and

WHEREAS, local units of government are not permitted under current state law to object to the renewal of a SDD/SDM license, but only to request that the Commission revoke said license, and only under the aforementioned circumstances; and

WHEREAS, current State law permits local units of government to object to the annual renewal of Class C liquor licenses by the Commission, which provides a stronger and more effective remedy for prevention of future illegal sales of alcohol to minors; and

WHEREAS, the present inability of local units of government to object to the renewal of SDD/SDM licenses, or otherwise compel licensees' compliance with applicable law, deprives them of a significant and effective means for policing and maintaining the caliber of local businesses within their jurisdictions;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Troy, that it is recommended to the Commission that the Michigan Liquor Code be amended to allow local units of government to object to the annual renewal of SDD/SDM licenses; further, that said objection may be grounded upon the licensee's demonstrable pattern of disregard for applicable laws, regulations, and/or ordinances prohibiting the illegal sale or furnishing of alcohol to minors; and that a copy of this resolution be sent to the Commission.

Resolution #LC2003-11-014

Moved by Godlewski

Seconded by Elenbaum

RESOLVED, that the Proposed Resolution to amend the Michigan Liquor Code to allow local units of government to object to the annual renewal of SDD/SDM licenses on the grounds of the licensee's demonstrable pattern of disregard for applicable laws, regulations, and/or ordinances prohibiting the illegal sale or furnishing of alcohol to minors be approved and submitted to the City Council for their review.

Yes: All-4

No: None

Absent: Ehlert, Moseley, Peard

The Meeting adjourned at 7:37 p.m.

---

Henry W. Allemon

---

Patricia A. Gladysz, Clerk-Typist

(d) Allow the sale, possession, or consumption on the licensed premises of any controlled substances that are prohibited by Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(e) Allow narcotics paraphernalia to be used, stored, exchanged, or sold on the licensed premises.

(6) A retail licensee shall not sell any alcoholic liquor off the licensed premises except as follows:

(a) An on-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1419.

(b) An off-premises licensee may deliver a pre-ordered quantity of alcoholic liquor to a customer; however, a delivery shall not be made to any customer on the campus of any 2- or 4-year college or university, unless the customer is licensed by the commission.

(c) An off-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1521.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981; 1979 ACS 16, Eff. Nov. 15, 1983; 1985 12, Eff. Jan. 1, 1986; 1994 MR 12, Eff. Dec. 16, 1995.

#### **R 436.1013 Gambling and gambling devices prohibited.**

Rule 13. (1) A licensee shall not allow unlawful gambling on the licensed premises.

(2) A licensee shall not allow any gambling devices on the licensed premises which are prohibited by the statutes of this state.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1015 Display of license and permit.**

Rule 15. (1) Licenses issued by the commission shall be signed by the licensee, shall be framed under a transparent material, and shall be prominently displayed in the licensed premises.

(2) Permits issued by the commission to a licensee shall be framed under a transparent material and shall be prominently displayed in the licensed premises adjacent to the liquor license.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1017 Prohibited sales of alcoholic liquor.**

Rule 17. (1) A licensee shall not sell, offer or keep for sale, furnish, possess, or allow a customer to consume, alcoholic liquor which is not authorized by the license issued to the licensee by the commission.

(2) A licensee shall not knowingly sell or furnish alcoholic liquor to a person who maintains, operates, or leases premises which are not licensed by the commission and upon which other persons unlawfully engage in the sale or consumption of alcoholic liquor for a fee or other valuable consideration.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1019 Contests.**

Rule 19. A licensee shall not participate in or sponsor any contest that requires the use or consumption of alcoholic liquor or features alcoholic liquor as a prize in connection with a contest.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1021 Sale to licensed truck driver salesman.**

Rule 21. A licensee shall not knowingly sell, give, or furnish alcoholic liquor to a licensed truck driver salesman who is employed by a licensee while the truck driver is on duty or in the course of employment.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1023 Sale or transfer of license; transfer of location; alteration of premises; lease, sale or transfer of premises.**

Rule 23. (1) A licensee shall not sell or transfer an interest in a business licensed by the commission without the prior written approval of the commission.

(2) A licensee shall not transfer the location of the licensed premises without the prior written approval of the commission.

(3) A licensee shall not, without the prior written approval of the commission, do any of the following:

(a) Make an alteration in the size of the physical structure of the licensed premises.

(b) Add or drop any space to or from the physical structure of the licensed premises.

(c) Install any additional bars, if the licensee holds a class C or B hotel license.

(4) A licensee shall not lease, sell, or transfer possession of a portion of the licensed premises without the prior written approval of the commission.

**History:** 1979 ACS 4, Eff. Feb. 3, 1981.

#### **R 436.1025 Storing of alcoholic liquor.**

October 31, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Charles T. Craft, Chief of Police

SUBJECT: Request for Waiver of Parking Restrictions

The Congregation Shir Tikvah requests that the no parking restrictions on the east side of Northfield Parkway, from the entrance to Boulan Park to the entrance of the synagogue, be waived on Saturday, November 22, 2003, between 7:00 PM and 11:30 pm.

Shir Tikvak is hosting a performance that evening and anticipates that approximately 500 people will attend. Although they have the use of the parking lot at Stonehaven Church, they believe they will need additional parking spaces and do not want attendees parking in the adjoining sub-division.

There is a dirt shoulder on Northfield Parkway and granting of this request will not impact the passage of emergency vehicles. Staff recommends the waiver be granted.

November 7, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Jeanette Bennett, Purchasing Director  
Gert Paraskevin, IT Director  
Charles T. Craft, Chief of Police

SUBJECT: Sole Source – GPS Trackers And Related MAPX Software

### **RECOMMENDATION**

The Police Department recommends the City purchase three (3) additional Global Positioning System (GPS) Tracking Units, one (1) GPS Logging Unit, and MapInfo's MapX tracking and reporting software packages from Geonautics International at an estimated cost of \$21,569.00. (See Appendix A)

### **BACKGROUND**

Geonautics is the sole provider of this proprietary hardware and software. The City and Oakland County currently operate this system, which assists with many joint investigations. Tracking and logging devices are used to track criminal vehicles and log their activities without the need for visual surveillance. Use of these devices is very cost effective, as they can supplement and/or replace traditional surveillance methods. Geonautics International's products rely on GPS and GSM digital telephone network technologies and have proven very accurate and reliable.

### **BUDGET**

The Police Department's Capital Drug Enforcement Account 401305.7978.065 has been designated for the funding of this purchase.

Prepared by: Sgt. George Zielinski

## APPENDIX A

(3) Possum TAG T2i GPS Tracking Units @ \$3,995. ea.	\$11,985.00
(1) TAG T1 Logger Unit	3,495.00
SNETLiteMX GPS Tracking Software	3,495.00
SNETPadMX Reporting Software	1,995.00
Additional Mapping Software License	598.50
<hr/>	
<b>Total</b>	<b>\$21,568.50</b>



November 6, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
Jeanette Bennett, Purchasing Director  
Charles T. Craft, Chief of Police

Subject: Bid Waiver – TPOA Physical Examinations

### **RECOMMENDATION**

The Department requests approval to award a contract to Crittenton Hospital to conduct pre-test physicals through 2005 at unit prices provided in the pricing schedule dated 11/5/03 (Attachment A). Crittenton Hospital was selected by the City/Union Joint Fitness Committee because of its price, proximity, and because the physical and stress tests can be conducted at the same time and location. The TPOA physical examinations are included in the 2003-04 budget at an estimated annual cost of \$61,437.00.

### **BACKGROUND**

As a result of a 1988 TPOA/City arbitration ruling, a physical fitness test for police officers was established. The terms of the award requires that the test and pre-test physical be given every two years, with all costs absorbed by the City. Royal Oak Beaumont Executive Health has been used in years past.

Per the arbitration, a City/Union Joint Fitness Committee was established to select a new location for the physicals and the testing components. The fitness committee researched multiple locations for the up-coming pre-test physicals and selected Crittenton Hospital (Attachment B). The fitness tests shall be conducted at the Training Center by the training section.

### **HISTORY**

Per arbitration award, the fitness committee has the authority to select the facility to be used for physicals. The fitness committee was formed and advised by Police Chief Craft to research the possibility of changing locations because of price increases and the issue of physical and stress tests being located at two different locations. It is estimated that changing from Royal Oak Beaumont Executive Health to Crittenton Hospital will save approximately \$53,799.00.

Estimated \$43,799 to be saved from direct costs difference between two facilities.  
Estimated \$10,000 to be saved from overtime cuts by having stress test performed the same time as the physical.

### **BUDGET**

Funds are available in the Police Department budgets for Health Services – Physical Exams.

Prepared by: Officer Scott Salter

# ATTACHMENT A

11/5/03

## CRITTENTON HOSPITAL – PRICING SCHEDULE – 2003 - 2005

FULL TEST: PACKAGE RATE	
MALE OFFICERS	\$690.00
FEMALE OFFICERS	\$665.00
INCLUDES:	
COMPREHENSIVE PHYSICAL	
STRESS TEST	
PFT	
EKG RESTING	
CBC W/DIFFERENTIAL	
URINE ANALYSIS	
Occ MED PROFILE W/HDL CHOLESTEROL	
HIV TESTING	
PSA TESTING (MALE OFFICERS ONLY)	
ANTI-HB COREIGM	
DELETIONS TO PROTOCOL WILL CHANGE THE ABOVE RATES AS FOLLOWS:	
STRESS TEST	(\$399.00)
PFT (SPIROMETRY)	(\$ 40.00)

# ATTACHMENT B

## SERVICE PROVIDER SURVEY

<b>Health Care Facility</b>	<b>Services Provided</b>	<b>Reason for Acceptance/ Denial</b>
Oakland University Health Center	Complete comprehensive physical and Stress test	Canceled program
Henry Ford Medical Center	Physicals	Service not provided
Royal Oak Beaumont	Complete comprehensive Physicals and stress test	Changed because of price increases, Stress test not offered in same location as physical, on different day
Troy Beaumont	Complete comprehensive physical and stress test	Service not provided
Detroit Receiving Hospital	Complete comprehensive physical and stress test	Declined because of distance to facility
Providence Hospital	Complete comprehensive physical and stress test	Declined because of distance to facility
Crittenton Hospital	Complete comprehensive physical and stress test	Accepted because of price, proximity to city, physical and stress test located at same location.
St. Johns Hospital	Complete comprehensive physical and stress test	Declined because of distance to facility



**Date:** November 13, 2003

**To:** The Honorable Mayor and City Council

**From:** John Szerlag, City Manager  
Peggy E. Clifton, Human Resources Director

**Re:** Contract Ratification - AFSCME (Hourly Employees) and City of Troy

---

### **RECOMMENDATION**

City Administration supports and recommends approval of the tentative agreement for a three-year collective bargaining agreement between the City of Troy and AFSCME.

### **BACKGROUND**

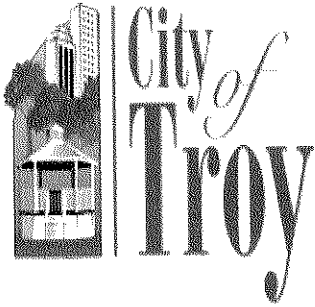
On Wednesday, November 12, 2003 the AFSCME membership ratified a tentative agreement for a three-year collective bargaining agreement between the City of Troy and AFSCME. This agreement replaces the contract that expired June 30, 2003.

This agreement is the 6<sup>th</sup> collective bargaining agreement to be achieved using the Interest-Based Bargaining method. This is the technique in which both sides discuss possible solutions to “issues” rather than holding to “positions” or “demands”. This tentative agreement provides a mutually satisfactory solution to the issues raised by both parties in negotiations, and serves to bring more consistency in benefits among employee groups, including implementation of cost-saving measures, consistent with our stated goals. A summary of the tentative agreement is attached for your review.

TENTATIVE AGREEMENT SUMMARY  
City of Troy and AFSCME  
2003-2006 Collective Bargaining Agreement

<u>ISSUE</u>	<u>SOLUTION</u>
Wages	3%, 3%, 3%
Pension	<ol style="list-style-type: none"><li>a. Reduce employer contribution for the DC plan for new hires by 1%.</li><li>b. "Me too" clause adding dental insurance for retirees only if other non-312 eligible employee groups (Classified/Exempt/MAP) receive it.</li></ol>
Hospitalization/Medical Insur.	<ol style="list-style-type: none"><li>a. Cash payment to employees who opt out of health insurance reduced to \$250/mo. from \$352/mo.</li><li>b. Co-payment for prescription drug rider (PDR) increased from \$5 (for all drugs) to \$5/\$10 (for generic/brand name drugs) for new hires.</li><li>c. Employee co-pay for insurance capped at \$85/mo. (Current employees with family coverage pay \$123 per mo.)</li></ol>
Disability Insurance	Benefit enhanced by 10% employer supplement; Long-term insurance limited to 5 years in the case of non-duty disability. (Currently there is no time limit on collecting non-duty disability benefits.)
Vacation Leave	Annual payout increased from 40 hrs. to 80 hrs. (If benefit is utilized, employees will be working an additional 40 hours/yr.)
Uniforms	The City agrees to include in bid specifications that bidders must include a selection of color cotton uniforms
Tuition Reimbursement	Effective 2 <sup>nd</sup> year of contract, amount of tuition reimbursement increased to 100% up to a maximum of \$2,000 per fiscal year, from \$500/yr.
Military Leave	Add to contract the Letter of Understanding providing reservists called involuntarily to active duty with pay and benefits.
Funeral Leave	Include grandparents/grandchildren, step-parents/step-children with no deduction from sick leave.
Language Revisions	<ol style="list-style-type: none"><li>1. Sick Leave: Clarify whether time spent at city clinic for return to work physical is paid time.</li></ol>

2. Leave of Absence: Clarify that nothing in contract will be interpreted in conflict with the Family and Medical Leave Act.
3. Direct Deposit: Revise language to eliminate need for advance vacation checks due to direct deposit; City agreed to consider options for direct deposit transactions as they become available.
4. Promotions/Transfers: Clarify how voluntary demotions are prioritized
5. Eligible Lists: Allow for extension of list of written test scores during filling of Field Supervisor position.
6. Union Dues: Clarification of the date deductions begin.
7. Stewards and Officers: Incorporate letter of understanding into contract (allowing personal time to attend to Chapter meetings)
8. Working Hours: Clarify when employees are entitled to 15-min. break in the event that the continuation of a regular work shift results in 2 or more hours overtime; clarify that employees in a work group must agree to take or not take a lunch break during overtime situations of more than 4 hours.
9. Shift/Schedule Change: Define conditions under which Motor Pool employees ordered by subpoena to appear in court are paid overtime or have their shift changed.
10. Overtime: Allow for taking time off during the same work week in lieu of being paid overtime; modify conditions for not charging overtime in the event of use of vacation time.
11. Temporary/Part-time Employees: City to provide union with the number of budgeted Afscme positions each fiscal year; 3<sup>rd</sup> notification date added for providing list of summer laborers.
12. Job Titles: Make corrections for Human Resources, Risk Management; add typical work assignments for Equipment Serviceman I (Parks) as outlined in letter of understanding; modify job titles to be gender-neutral.



**TO:** MAYOR and MEMBERS OF CITY COUNCIL  
**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY *LB*  
 ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY *AM*  
**DATE:** November 11, 2003  
**SUBJECT:** Sauger v City of Troy, et al.

---

Plaintiff Jason Sauger and his parents, Plaintiffs Joann and Stephen Sauger, filed a lawsuit against Troy, alleging the Troy Police Department violated their 4<sup>th</sup> Amendment rights when they entered their home to effectuate an arrest. They raised several claims in their complaint, including excessive force, assault & battery, intentional infliction of emotional distress, and gross negligence. The City Attorney's Office has represented the City and Chief Craft in the case while Michigan Municipal Risk Management Authority attorney, Michael Rosati, is representing the individual police officers due to potential conflict of interest issues. At the close of discovery, the City and Chief Craft and the individual officers filed separate motions for summary judgment. The court granted the motion of the City and Chief Craft and dismissed Plaintiff's complaint against them. The motion filed on behalf of the individual officers was granted in part and denied in part. As a result, several claims are still pending against the individual officers.

This case was submitted to facilitation, where a settlement amount of \$52,200 was strongly encouraged by the facilitator. The settlement is being encouraged for business reasons, and not necessarily based on the merits of the case. First, the City has outside retained counsel in this case, due to the potential conflict between the City and its officers. Mike Rosati estimates that his attorney fees would far exceed the facilitation amount. This does not include the personnel costs of the City incurred by the presence of several employees for several days of trial. Another concern is the potential imposition of attorney fees if the jury awards even nominal damages.

It is both the recommendation of our office and Mike Rosati to accept the recommendation of the facilitator and settle this case for \$52,200. A proposed general release is attached for your review. According to the terms of the release, the City will pay \$52,200 in exchange for Plaintiff's agreement to dismiss the lawsuit with prejudice. The release states that settling this case is not an admission of liability. It is an agreement for the sole and express purpose of avoiding future controversy, and avoiding the resulting uncertainty of a verdict at trial and during any possible appeal.

If you have any questions, please let us know.

enclosure

**GENERAL RELEASE**

This Release is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2003 by Jason Sauger, Joann Sauger, Stephen Sauger (hereinafter referred to as the "Plaintiffs") regarding the City of Troy, Troy Police Department, Police Chief Charles Craft, Officer David Quaiatto, Officer Pat Browne, Officer Robert Shaner, Officer Andrew Satterfield, Officer Thomas Gordon, and Officer Janice Greff (hereinafter referred to as the "Defendants").

**RECITALS**

A. Whereas the Plaintiff filed a Complaint against the Defendants in the United States District Court for the Eastern District of Michigan in Case No. 00-74529.

B. The Defendants have filed responsive pleadings denying all pertinent allegations and entitlement to relief to Plaintiff's actions in the United States District Court for the Eastern District of Michigan, being Case No. 00-74529.

C. The parties to the above-referred civil action are desirous of avoiding future litigation and controversy, and accordingly enter into this Settlement Agreement and Release for the sole and express purpose of avoiding future controversy, wishing to avoid the resulting uncertainty of a verdict at trial and during any possible appeal.

D. It is expressly understood and agreed that this Release and the settlement of the above referenced litigation shall not be construed as an admission of liability on the part of any party mentioned in this Release, for the purpose of this action, or for the purposes of any other action of whatever kind or nature.

**RELEASE**

1. For the sole consideration of \$52,200.00, the receipt of which is hereby acknowledged, the Plaintiffs do hereby forever release and discharge the City of Troy, Troy Police Department, Police Chief Charles Craft, Officer David Quaiatto, Officer Pat Browne, Officer Robert



Shaner, Officer Andrew Satterfield, Officer Thomas Gordon, and Officer Janice Greff, together with their heirs, executors, administrators, agents, assigns, stockholders, directors, employees, officers, insurers, and successors in interest, of and from any and all past, present, and future claims, demands, damages, actions, causes of action of whatever kind or nature, including civil rights violations, which were asserted, or which could have been asserted, or may in the future be asserted, in the United States District Court, Eastern District of Michigan, being Case No. 00-74529, or in any other state court in which this action could have been brought.

2. That Plaintiffs have accepted the payment of the sum specified herein together with the conditions herein stated as a complete compromise of matters involving disputed issues of law and fact, and the Plaintiffs assume the risk that the facts or the law may be otherwise than they believed.

3. The Plaintiffs agree and understand that this Settlement Agreement and Release is a compromise of a disputed claim and that payment made and conditions stated herein are not to be construed as an admission of liability on the part of any of the parties being released, by whom all liability is expressly denied.

4. The Plaintiffs shall execute any and all supplementary documents and take all supplementary steps to give full force and effect to the basic terms of this agreement, specifically and including all appropriate Stipulations for Dismissal, with prejudice and without costs or attorney fees of all aspects of the United States District Court, Eastern District of Michigan, being Case No. 00-74529 which is more fully described in the recitals hereof; as well as documents relating to a structured portion of this settlement.

5. The Plaintiffs agree to the extent that any part of the aforementioned consideration contained in paragraph 2, being \$52,200.00, is deemed to be taxable, that the Plaintiffs shall be fully responsible for the payment of any taxes, including withholding payments, social security or other

monies which are required to be withheld. Plaintiff further agrees to indemnify and hold Defendants harmless for the payment of any said tax or withholding payments, including any penalty assessed relating to said tax.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
JASON SAUGER

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
JOANN SAUGER

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
STEPHEN SAUGER

\_\_\_\_\_  
Witness

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2003

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, MI  
My Commission Expires:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JASON SAUGER, JOANN SAUGER, and  
STEPHEN SAUGER,

Plaintiffs

Case No. 00-74529

vs.

Hon. Paul D. Borman  
Mag. Judge Capel

CITY OF TROY, a municipal corporation,  
TROY POLICE DEPARTMENT,  
TROY CHIEF OF POLICE CHARLES CRAFT,  
OFFICER DAVID QUALATTO (Badge #053),  
OFFICER PAT BROWNE (Badge #062),  
OFFICER ROBERT SHANER (Badge #059),  
OFFICER ANDREW SATTERFIELD (Badge #89),  
OFFICER THOMAS GORDON (Badge #001), and  
OFFICER JANICE GREFF (Badge #106),  
jointly and severally,

---

SALVATORE D. PALOMBO (P 35471)  
SANDRA A. HARRISON (P 57456)  
SALVATORE D. PALOMBO &  
ASSOCIATES, P.C.  
Attorneys for Plaintiffs  
26120 Van Dyke Road  
Center Line, MI 48015  
(586) 754-8300

LORI GRIGG BLUHM (P 46908)  
Attorney for Defendant City of Troy, Troy  
Chief of Police Charles Craft  
500 W. Big Beaver  
Troy, Michigan 48084  
(248) 524-3323

FRANK K. RHODES, III (P 24119)  
Co-Counsel for Plaintiffs  
19080 W. Ten Mile Road  
Southfield, MI 48075  
(248) 350-0110

JOHNSON, ROSATI, LaBARGE,  
ASELTYN & FIELD, P.C.  
BY: MICHAEL E. ROSATI (P 34236)  
Attorney for Defendants Quaiatto, Browne,  
Shaner, Satterfield, Gordon and Greff  
34405 W. Twelve Mile Road, Suite 200  
Farmington Hills, MI 48331-5627  
(248) 489-4100

**STIPULATION FOR DISMISSAL WITH PREJUDICE**

NOW COME THE PARTIES, by and through their respective counsel, and hereby stipulate to the dismissal of the above-captioned case with prejudice, and without the award of costs or attorneys fees to any party.

---

SALVATORE D. PALOMBO (P 35471)  
Attorney for Plaintiffs

---

MICHAEL E. ROSATI (P 34236)  
Attorney for Defendant

---

FRANK K. RHODES, III (P 24119)  
Co-counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JASON SAUGER, JOANN SAUGER, and  
STEPHEN SAUGER,

Plaintiffs

Case No. 00-74529

vs.

Hon. Paul D. Borman  
Mag. Judge Capel

CITY OF TROY, a municipal corporation,  
TROY POLICE DEPARTMENT,  
TROY CHIEF OF POLICE CHARLES CRAFT,  
OFFICER DAVID QUAIATTO (Badge #053),  
OFFICER PAT BROWNE (Badge #062),  
OFFICER ROBERT SHANER (Badge #059),  
OFFICER ANDREW SATTERFIELD (Badge #89),  
OFFICER THOMAS GORDON (Badge #001), and  
OFFICER JANICE GREFF (Badge #106),  
jointly and severally,

---

SALVATORE D. PALOMBO (P 35471)  
SANDRA A. HARRISON (P 57456)  
SALVATORE D. PALOMBO &  
ASSOCIATES, P.C.  
Attorneys for Plaintiffs  
26120 Van Dyke Road  
Center Line, MI 48015  
(586) 754-8300

LORI GRIGG BLUHM (P 46908)  
Attorney for Defendant City of Troy, Troy  
Chief of Police Charles Craft  
500 W. Big Beaver  
Troy, Michigan 48084  
(248) 524-3323

FRANK K. RHODES, III (P 24119)  
Co-Counsel for Plaintiffs  
19080 W. Ten Mile Road  
Southfield, MI 48075  
(248) 350-0110

JOHNSON, ROSATI, LaBARGE,  
ASELTINE & FIELD, P.C.  
BY: MICHAEL E. ROSATI (P 34236)  
Attorney for Defendants Quaiatto, Browne,  
Shaner, Satterfield, Gordon and Greff  
34405 W. Twelve Mile Road, Suite 200  
Farmington Hills, MI 48331-5627  
(248) 489-4100

**ORDER OF DISMISSAL**

At a session of said Court held in the City of  
Detroit, County of Wayne, and State of Michigan on

---

PRESENT: The Honorable Paul D. Borman, United States District Court Judge

Pursuant to the Stipulation of the parties appearing above:

IT IS HEREBY ORDERED that Plaintiffs' Complaint and claims against all Defendants be  
dismissed with prejudice and without the award of costs or attorney fees to any party.

IT IS FURTHER ORDERED that this Order resolves the last pending claim and closes the  
case.

---

Honorable Paul D. Borman  
United States District Court Judge



**TO:** Honorable Mayor and Members of City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** November 11, 2003  
**SUBJECT:** Amendment to Historic Preservation, Chapter 13

---

As requested by City Council, a presentation concerning the proposed amendment to the Historic Preservation Ordinance, Chapter 13 of the City Code, was made at the October 21, 2003 Historic District Commission (HDC) meeting. Individuals and entities that own property within established historic districts were invited to attend. The proposed amendment is attached in both a red-lined format indicating specific additions and/or deletions to Chapter 13 and a final version format indicating how Chapter 13 will appear in the City Code if the amendment is approved by Council. We have also attached a memorandum from Lorraine Campbell, Museum Manager, summarizing the October 21, 2003 HDC meeting, a copy of the introductory comments made by the HDC chair Dean Blythe, a PowerPoint presentation given at the meeting, and a transcript of citizen comments that were made. Two changes have been made to section three of the proposed amendment since the HDC meeting. The properties located at 90 and 110 East Square Lake Road have been reinserted as historic districts and the historic district located at 4320 Livernois is now identified as the "Emerson Church - Unitarian Universalist". The latter change was at the request of the current property owner. In all other respects, the attached proposed amendment is the same as that discussed at the HDC meeting. We do not recommend additional changes at this time.

Many of the concerns expressed at the HDC meeting have already been addressed. For instance, there was concern that HDC approval was required for the resale of a home within a historic district. However, the proposed amendment will repeal the section that now requires such approval. Some of those present at the HDC meeting stated they had no notice at the time of purchase that their property was within an historic district. However, this situation will be rectified if the amendment is adopted because it will be recorded with the Oakland County Register of Deeds as required by the State enabling statute, the Local Historic Districts Act, MCL 399.201 et seq. One individual at the meeting said his entire parcel was identified in the ordinance as a historic district, but a garage on the parcel is not a historical structure. He was concerned that HDC approval would be required for work on the garage. The proposed amendment does provide a remedy for this situation. The amendment allows for modification of historic districts so that a description of a historic district may be modified to except those portions of a parcel that are not appropriately classified as historic districts.

At the HDC meeting, there were also some recommendations made by property owners that are not included in the proposed amendment. Many of those present said they would like to see a time limitation placed on the study committee to act on a proposal to add, modify or eliminate a historic district. However, since Troy has never utilized the study committee process to add, modify, or eliminate a historic district, it is difficult to determine an appropriate time limitation. Accordingly, it is our recommendation no time limitation be established at this time.

There was also a request for a six-month opt out period allowing those who own property within existing historic districts to have their property eliminated as a historic district without going through the study committee process. We do not recommend such a provision as it is not authorized by the state enabling statute.

There was also a request to modify section 14D(3) to more fully explain the provision that allows for elimination of historic districts established pursuant to “defective procedures”. Since the state law does not define “defective procedures” it is our opinion the intent of the law is to allow a study committee to use their discretion and determine what constitutes “defective procedures” on a case-by-case basis. Thus, we do not recommend any change to proposed section 14D(3).

The proposed amendment to Chapter 13 will update the Historic Preservation Ordinance so that it complies with the state enabling statute. Compliance with the state law has financial benefits. There are tax credits available to persons who restore properties within historic districts and there are grants available to municipalities for historic preservation projects within historic districts. The tax credits and grants that are available, however, require an ordinance that is compliant with state law. Therefore, it is our recommendation the proposed amendment to Chapter 13 be approved.

Please contact us if you should have any questions.

cc: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager  
Mark Miller, Planning Director  
Mark Stimac, Building & Zoning Director  
Brian Stoutenburg, Library Director  
Lorraine Campbell, Museum Manager



CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 13 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 13 – Historic Preservation of the Code of the City of Troy.

Section 2. Amendment

Chapter 13 – Historic Preservation is amended as follows:

1. PURPOSE

The purpose of this Chapter is to 1) safeguard the heritage of the City of Troy by preserving ~~districts~~ historic resources in the City which reflect elements of its cultural, social, economic, political and architectural history; (2) stabilize and improve property values; 3) foster civic beauty; 4) strengthen the local economy; 5) promote the use of historic ~~districts~~ resources for the education, pleasure and welfare of the citizens of the City.

(Rev. 10-9-92)

2. DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

- A. ALTERATION: work that changes the detail of a resource but does not change its basic size or shape.
- ~~B. Commission: The term "Commission" shall refer to the Historic District Commission, unless otherwise specified.~~
- B. CERTIFICATE OF APPROPRIATENESS (COA): written approval of a permit application to apply for a building permit if required, for work that is determined to be appropriate and that does not adversely affect a resource.
- C. COMMISSION: the historic district commission which is responsible for implementing Public Act 169 of 1970 as amended and the city's historic preservation ordinance for the City of Troy.
- D. COMMITTEE: a historic district study committee appointed by the city council.
- E. DEMOLITION: razing a resource, whether entirely or in part, which may include, but is not limited to demolition by neglect.

- F. DEMOLITION BY NEGLECT: neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
- G. HISTORIC DISTRICT: In accordance with Act 169, Public Acts of 1970, the term "Historic District" shall mean an area or group of areas not necessarily having contiguous boundaries, created by the City for the purposes of this Chapter. This shall include any historical or cultural site or structure (including significant trees or other plant life located thereon) of particular historic or cultural significance to the City of Troy, the State of Michigan, or the U.S.A., where cultural, political, spiritual, economic or social history of the community, state or nation is reflected or exemplified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, or style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age.
- H. HISTORIC LANDMARK: any structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States. A landmark is a historic district as defined in this section which contains only one (1) resource.
- I. HISTORIC RESOURCE: a structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States.
- J. NOTICE TO PROCEED: authorization to perform work that does not qualify for a COA but may legally be accomplished following criteria set forth in this ordinance.
- K. OPEN SPACE: undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
- L. ORDINARY MAINTENANCE: keeping a resource unimpaired and in good condition through ongoing minor intervention to the exterior of a resource. Ordinary maintenance does not change the exterior appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- M. PROPOSED HISTORIC DISTRICT: An area or group of areas, not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
- N. REPAIR: to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes an alteration for purposes of this act.

O. RESOURCE: a building, structure, site, object, feature or open space located within a historic district, or described as a historic landmark.

P. WORK: construction, addition, alteration, repair, moving, excavation or demolition.

(Rev. 10-9-72)

3. REGULATION OF STRUCTURES RESOURCES AND ESTABLISHED HISTORIC DISTRICTS

A. No structure shall be constructed, altered, moved or demolished in a Historic District unless such action complies with the requirements set forth in this Chapter. There shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with this chapter. The following Historic Districts are hereby established.

Troy Union Cemetery, 1199 E. Square Lake (Tax ID: 88-20-02-301-009) 02-301-009  
T2N, R11E, SEC 2, PART OF SW ¼ OF SW ¼ BEG AT PT DIST S 89-  
44-00 E 750 FT FROM SW COR SEC 2, TH S 89-44-00 E 573.57 FT,  
TH N 00-24-30 W 446.10 FT, TH N 88-46-00 W 365.25 FT, TH S 40-  
53-00 W 133.60 FT, TH S 89-27-30 W 29.8 FT, TH S 14-06-00 W  
360.89 FT TO BEG 4.66 A

6890 Norton (Tax ID: 88-20-03-226-033) T2N, R11E, SEC 3 PART OF 03-226-033  
NE ¼ BEG AT PT DIST S 01-15-30 E 809.30 FT & S 88-59-30 W  
276.15 FT FROM N 1/8 COR, TH S 88-59-30 W 250 FT, TH N 01-35-15  
W 136.63 FT, TH N 88-59-30 E 250 FT, TH S 01-35-15 E 136.63 FT TO  
BEG 0.78 A

770 W. Square Lake (Tax ID: 88-20-04-354-011) T2N, R11E, SEC 4 04-304-012  
PART OF SW ¼ BEG AT PT DIST N 00-17-56 E 259.88 FT & S 89-45-  
00 E 160 FT & S 79-23-48 E 273.17 FT & S 69-02-36 E 300 FT & S 79-  
29-59 E 232.30 FT & S 89-57-22 E 136.66 FT FROM SW SEC COR, T  
N 00-12-04 E 226.40 FT, TH N 73-29-54 E 14.90 FT TH ALG CURVE,  
TO RIGHT, RAD 60 FT, CHORD BEARS N 86-20-14 E 26.67 FT, DIST  
OF 26.89 FT, TH ALG CURVE TO LEFT, RAD 60 FT, CHORD BEARS  
N 74-27-32 E 50.18 FT, DIST OF 51.77 FT, TH S 40-15-30 E 40.45 FT,  
TH S 89-57-22 E 9.96 FT, TH S 00-06-01 W 215 FT, TH N 89-59-22 W  
125.75 FT, TO BEG 0.67 A 5-3-90 FR 008

330 W. Square Lake (Tax ID: 88-20-04-451-029) T2N, R11E, SEC 4 E 04-451-025  
169.92 FT of W 856.08 FT OF S 300 FT OF SE ¼, EXC S 60 FT  
TAKEN FOR RD 0.941A 2-6-93 FR 025

<u>6091 Livernois (Tax ID: 88-20-04-478-013) T2N, R11E, SEC 4 TROY ACRES S 70 FT OF LOT 1</u>	<u>04-478-013</u>
<u>West Square Lake</u>	<u>04-478-016</u>
<u>6071 Livernois (Tax ID: 88-20-04-478-017) T2N, R11E, SEC 3, 4, 9, &amp; 10 SUPERVISORS PLAT NO. 7 LOT 1 EXC E 27 FT TAKEN FOR RD 6-11-96 CORR</u>	<u>04-478-017</u>
<u>6059 Livernois (Tax ID: 88-20-04-478-018) T2N, R11E, SEC 3, 4, 9 &amp; 10, SUPERVISOR'S PLAT NO. 7 LOT 2</u>	<u>04-478-018</u>
<u>6039 Livernois</u>	<u>04-478-019</u>
<u>6 W. Square Lake</u>	<u>04-478-020</u>
<u>90 West Square Lake (Tax ID: 88-20-04-478-022) T2N, R11E, SEC 4, TROY ACRES NO. 1 SLY 150 FT OF LOT 20 EXC BEG AT SW LOT COR, TH N 89-30-00 E 93 FT, TH N 41 FT, TH S 88-15-21 W 93.04 FT, TH S 38.98 FT TO BEG 6-13-96 CORR</u>	<u>04-478-022</u>
<u>Former Stone School, 3995 South Boulevard (Tax ID: 88-20-06-101-001) T2N, R11E, SEC 6 W 165 FT OF N 264 FT OF NW FRC ¼ EXC PART TAKEN FOR HWY DESC AS BEG AT NW SEC COR, TH ELY 91 FT ALG SEC LINE, TH SWLY TO PT IN W SEC LINE DIST OF 91 FT SLY FROM BEG, TH NLY 91 FT ALG SEC LINE TO BEG 0.90 A</u>	<u>06-101-004</u>
<u>Beach Road Cemetery (Tax ID: 88-20-07-451-001) T2N, R11E, SEC 7 N 147 FT OF 167 FT OF SW ¼ OF SE ¼ 0.57A</u>	<u>07-451-004</u>
<u>5875 Livernois (Tax ID: 88-20-09-232-005) T2N, R11E, SEC 3, 4, 9, &amp; 10 SUPERVISORS PLAT NO. 7 LOT 13</u>	<u>09-232-005</u>
<u>46 East Square Lake Road (Tax ID: 88-20-10-101-002) T2N, R11E, SEC 3, 4, 9 &amp; 10 SUPERVISORS PLAT NO. 7, PART OF LOT 26 BEG AT NW COR, T S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT TO BEG, ALSO ALL OF LOT 27</u>	<u>10-101-002</u>
<u>54 East Square Lake Road (Tax ID: 88-20-10-101-003) T2N, R11E, SEC 3, 4, 9 &amp; 10 SUPERVISORS PLAT NO. 7 LOT 26 EXC BEG AT NW LOT COR, TH S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT ALG W LOT LINE TO BEG</u>	<u>10-101-003</u>
<u>90 East Square Lake Road and 110 East Square Lake Road (Tax ID: 88-20-10-101-004) T2N, R11E, SEC 3, 4, 9 &amp; 10 SUPERVISORS PLAT NO. 7 LOT 25</u>	<u>10-101-004</u>
<u>110 East Square Lake Road</u>	<u>10-101-004</u>

<u>126 East Square Lake Road (Tax ID: 88-20-10-101-005) T2N, R11E, SEC 3, 4, 9, &amp; 10 SUPERVISOR'S PLAT NO. 7 LOT 24</u>	<u>40-101-005</u>
<u>138 East Square Lake Road (Tax ID: 88-20-10-101-006) T2N, R11E, SEC 3, 4, 9, &amp; 10 SUPERVISORS PLAT NO. 7 LOT 23</u>	<u>40-101-006</u>
<u>160 East Square Lake Road (Tax ID: 88-20-10-101-043) T2N, R11E, SEC 10 PART OF NW ¼ BEG AT PT DIST N 00-14-00 W 33 FT FROM NE COR OF LOT 23 OF SUPERVISOR'S PLAT NO 7, TH S 89-43-00 E 145 FT, TH S 00-14-00 E 300 FT, TH N 89-43-00 W 145 FT, TH N 00-14-00 W 300 FT TO BEG 1 A</u>	<u>40-101-043</u>
<u>101 East Square Lake Road (Tax ID: 88-20-03-301-077) T2N, R11E, SEC 3, SUPERVISOR'S PLAT NO. 7 E 30 FT OF LOT 20 EXC S 41 FT TAKEN FOR RD, ALSO LOT 21 EXC S 41 FT TAKEN FOR RD, ALSO N 73.43 FT OF LOT 22</u>	<u>40-101-032</u>
<u>Sylvan Glen Clubhouse, 5725 Rochester Road (Tax ID: 88-20-10-200- 001) T2N, R11E, SEC 10 NE ¼ 160 A</u>	<u>40-200-001</u>
<u>5871 Hilmore (Tax ID: 88-20-11-103-014) T2N, R11E, SEC 11 PART OF NW ¼ BEG AT PT DIST S 01-33-00 E 833 FT FROM NE COR OF W ½ OF NW ¼, TH S 88-55-00 W 330 FT, TH S 01-33-00 E 200 FT, TH N 88-55-00 E 330 FT, TH N 01-33-00 W 200 FT TO BEG 1.55 A</u>	<u>44-101-020</u>
<u>2356 East Long Lake (Tax ID: 88-20-13-127-020) T2N, R11E, SEC 13 PART OF NW ¼ BEG AT PT DIST S 89-53-00 W 492.80 FT FROM N ¼ COR, TH S 00-11-45 E 505.60 FT, TH S 89-53-00 W 510 FT, TH N 00-11-45 W 505.60 FT, TH N 89-53-00 E 510 FT TO BEG 5.92 A</u>	<u>43-127-020</u>
<u>Hill House, 4320 John R (Tax ID: 88-20-13-303-014) T2N, R11E, SEC 13 PART OF SW ¼ BEG AT PT DIST N 00-49-43 E 1544.71 FT FROM SW SEC COR, TH S 89-10-17 E 220 FT, TH N 00-49-43 E 200 FT, TH N 89-10-17 W 220 FT, TH S 00-49-43 W 200 FT TO BEG EXC W 50 FT TAKEN FOR RD 0.77 A</u>	<u>43-303-014</u>
<u>4820 Livernois (Tax ID: 88-20-15-102-010) T2N, R11E, SEC 15 BELZAIR SUB NO 1 OUTLOT C EXC THAT PART DESC AS BEG AT NE COR OF OUTLOT C, TH S 00-06-40 W 164.45 FT ALG E LINE OF OUTLOT C, TH S 89-46-10 W 24.14 FT, TH N 00-00-16 W 97.30 FT, TH N 89-59-44 E 3.00 FT, TH N 00-00-16 W 36.52 FT, TH S 80-03-40 W 3.04 FT, TH N 00-00-16 W 27.00 FT TO N LINE OF OUTLOT C, TH N 80-03-40 E 24.54 FT TO BEG</u>	<u>45-102-010</u>
<u>Troy Presbyterian ChurchEmerson Church – Unitarian Universalist, 4320 Livernois (Tax ID: 88-20-15-351-002) T2N, R11E, SEC 15 &amp; 16 MC CORMICK &amp; LAWRENCE LITTLE FARMS SUB LOTS 46 &amp; 47 EXC W 27 FT TAKEN FOR RD, ALSO ALL OF LOT 48, ALSO W 85.58 FT OF LOT 49</u>	<u>45-351-002</u>

Museum Properties - <b>Caswell House</b> , Poppleton School, Old City Hall, Old Troy Church and Parsonage, 60 W. Wattles (Tax ID: 88-20-16-478- 033) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 89 TO 92 INCL, ALSO LOTS 131 TO 134 INCL EXC S 27 FT TAKEN FOR RD, ALSO N 30.75 FT OF LOT 138, ALSO LOTS 139 TO 142 INCL, EXC E 27 FT TAKEN FOR LIVERNOIS RD	46-478-009
Poppleton School	46-478-009
Old City Hall	46-478-017
<b>2955 Quail Run</b> (Tax ID: 88-20-18-101-035) T2N, R11E, SEC 18 STRAWBERRY HILL LOT 37 EXC BEG AT NE LOT COR, TH S 00-16- 39 W 191.86 FT, TH N 89-43-00 W 44.61 FT, TH N 13-22-02 E 196.97 FT TO BEG	48-101-035
<b>4800 Beach</b> (Tax ID: 88-20-18-203-011) T2N, R11E, SEC 18 PART OF NW ¼ OF NE ¼ BEG AT PT DIST S 02-48-55 E 945.50 FT & N 89-05- 05 E 43 FT FROM N ¼ COR, TH N 89-05-05 E 152.73 FT, TH ALG CURVE CONCAVE SLY, RAD 250 FT, CHORD BEARS S 85-09-38 E 50.14 FT, DIST OF 50.22 FT, TH S 79-24-20 E 13.04 FT, TH S 02-48- 55 E 203.88, TH S 87-11-05 W 215 FT, TH N 02-48-55 W 218.65 FT TO BEG 1.06 A	48-200-003
<b>Crooks Road Cemetery</b> (Tax ID: 88-20-20-226-022) T2N, R11E, SEC 20 PART OF NE ¼ BEG AT PT DIST N 00-43-30 E 1101.84 FT FROM E ¼ COR, TH N 88-08-30 W 310.03 FT, TH ALG CURVE TO RIGHT, RAD 100 FT, CHORD BEARS N 43-08-30 W 141.42 FT, DIST OF 157.08 FT, TH N 01-51-30 E 180 FT, TH ALONG CURVE TO LEFT, RAD 180 FT, CHORD BEARS N 43-08-30 W 254.56 FT, DIST OF 282.74 FT, TH N 01-51-30 E 179.31 FT, TH S 87-06-30 E 577.09 FT, TH S 00-43-30 E 629.54 FT TO BEG 6.71 A	20-266-022
<b>3645 Crooks</b> (Tax ID: 88-20-20-226-038) T2N, R11E, SEC 20 TROY HIGHLANDS NO. 1 LOT 70	20-226-038
<b>839 W. Wattles</b> (Tax ID: 88-20-21-101-024) T2N, R11E, SEC 21 PART OF NW ¼ BEG AT PT DIST S 89-58-00 E 535.00 FT FROM NW SEC COR, TH S 89-58-00 E 287.00 FT, TH S 00-13-00 W 607.22 FT, TH N 89-58-00 W 287.00 FT, TH N 00-13-00 E 607.22 FT TO BEG EXC N 245 FT OF W 150 FT THEREOF, ALSO EXC N 60 FT TAKEN FOR RD 2.97 A	21-101-024
<b>3864 Livernois</b> (Tax ID: 88-20-22-101-005) T2N, R11E, SEC 22 PART OF NW ¼ OF NW ¼ BEG AT PT DIST N 1771.6 FT FROM W ¼ COR, TH N 330 FT, TH E 660 FT, TH S 330 FT, TH W 660 FT TO BEG 5 A	22-101-005

36551 Dequindre (Tax ID: 88-20-25-230-032) T2N, R11E, SEC 25 25-230-030  
PART OF NW ¼ BEG AT PT DIST S 00-00-08 E 1028.22 FT & S 89-  
23-59 W 60 FT FROM NE SEC COR, TH S 00-00-08 E 300 FT, TH S  
89-23-59 W 245 FT, TH N 00-00-08 W 300 FT, TH N 89-23-59 E 245  
FT TO BEG 1.69 A

1934 Livernois (Tax ID: 88-20-27-351-016) T2N, R11E, SEC 27 27-351-001  
ADDISON HEIGHTS SUB N 81 FT OF W 108 FT OF LOT 53

Perrin Cemetery (Coolidge) (Tax ID: 88-20-32-152-002) T2N, R11E, 32-152-002  
SEC 32 PART OF W ½ BEG AT W ¼ COR, TH N 00-03-00 E 165 FT,  
TH E 140 FT, TH S 00-03-00 W 165 FT, TH S 88-44-30 E 25 FT, TH S  
01-06-30 W 67.5 FT, TH N 88-31-00 W 165 FT, TH N 00-03-00 E 66 FT  
TO BEG 0.78 A

B. Except as provided in subsection C, all of the Historic Districts established as of  
July 21, 2003 shall be exempt from the requirements and provisions of Section  
14 of this Chapter entitled "Establishment, Modification or Elimination of a  
Historic District". Such exempt Historic Districts shall not be within the purview of  
any Historic District Study Committee and shall remain under the sole jurisdiction  
of the Historic District Commission, except to the extent otherwise provided in  
Section 5 of this Chapter for the Historic Districts included in the Troy Museum  
and Historic Village.

C. A person or entity that owns a resource within an Historic District established as  
of July 21, 2003, may submit a request to the Commission to modify or eliminate  
such Historic District. In such cases, the Historic District may only be eliminated  
or modified in accordance with Section 14.

(Rev. 8-8-88)

#### 4. HISTORIC DISTRICT COMMISSION

A. Creation of Commission: In order to execute the purposes of this section, there is hereby created a Commission to be called the Historic District Commission.

(Rev. 10-9-72)

B. Membership of Commission: The Historic District Commission shall consist of seven (7) members whose residence is located in the City of Troy. The Commission shall include at least two (2) persons chosen from a list submitted by the Troy Historical Society, one (1) person nominated by the Troy Historical Commission, and, if available, one (1) architect duly registered in the State of Michigan. They shall be appointed by the City Council for terms of office of three (3) years. All members shall hold office until their successors are appointed. Members of the Commission may be reappointed after their terms expire. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term. The members of the Commission shall serve without compensation.

(Rev. 2-16-87)

## 5. DUTIES AND POWERS OF THE COMMISSION

The Commission shall have all powers and duties authorized by Public Act 169 of 1970, as amended, MCL 399.201, et seq. including but not limited to the following:

- A. ~~The Commission shall make a researched survey of each structure under this Chapter, using~~ have authority to conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city. The Commission may use the Michigan Historical Site Survey form as a guide, and accepting the work of interested volunteers. Such Site Surveys should be kept as a part of the permanent records of the Commission, at a place designated by the Commission.

~~Using the list of structures prepared by the Historic Site Preservation Study Committee, and/or any other sites or structures brought to its attention, the Commission may recommend to the City Council of the City of Troy that certain sites or structures be added to or deleted from the Historic Districts covered by this Chapter. Prior to taking action to amend this Chapter by the addition of an Historic District, the City Council shall obtain a report and recommendation from the City Planning Commission as to the effect of establishing such a District. In their review of such proposals, the Planning Commission shall consider matters such as the relationship between the establishment of the proposed Historic District and the Master Plan Program, and the effects of the establishment of such a District on adjacent properties.~~

(Rev. 12-6-76)

- B. ~~The structures and sites to be considered are limited to those within the Historic Districts described in Section 3.~~

(Rev. 12-6-76)

- C. ~~It shall be the duty of this Commission to review all plans for the construction, alteration, moving or demolition of structures in a Historic District. Property owned by the City of Troy shall be administered by the City Council through the City Manager in accordance with the Charter. It is the intent of this section that the Commission shall be lenient in its judgment of plans for a new construction or for alteration or demolition of structures of little historic value, except where such construction, alteration or demolition would seriously impair the historic value and character of the structure or site and the surrounding structures and area.~~

- B. It shall be the duty of this Commission to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource. Plans for any work in the historic resources comprising the Troy Museum and Historic Village may be submitted based on a three-year plan based on Department of Interior



Preservation briefs but without detailed specifications. For purposes of this Chapter, the historic resources of the Troy Museum and Historic Village shall include, but are not limited to, those Historic Districts established in Section 3 of this Chapter and listed as Old City Hall, Caswell House, Poppleton School, Old Troy Church, and Parsonage. It is the intent of this section that the Commission shall be lenient in its judgment of plans for a new construction or for alteration or demolition of historic resources of little historic value, except where such construction, alteration or demolition would seriously impair the historic value and character of the resource and the surrounding resources and area. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed.

In reviewing the plans, the Commission shall give consideration to follow the United States Secretary of the Interior's standards for rehabilitating historic buildings as set forth in 36 CFR part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's standards and guidelines and are established or approved by the Michigan Department of History, Arts, and Libraries. The Commission shall also consider the following:

1. The historical or architectural value and significance of the ~~structure or site~~ resource and its relationship to the historic value of the surrounding area;
2. The relationship of the exterior architectural features of ~~such structure~~ the resource to the rest of the ~~structure~~ resource and to the surrounding area;
3. The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
4. Any other factor, including aesthetic, which it deems to be pertinent.

The Commission shall ~~pass only on~~ review and act upon exterior features of a structure historic resource and shall not consider interior arrangement, unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not set forth above.

- C. In those situations where the Commission finds the proposed work adversely affects the exterior of a resource the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
- D. Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the

proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
2. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
3. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
4. Retaining the resource is not in the interest of the majority of the community.

~~(Rev. 9-25-78)~~

D-E The Commission may recommend to the City Council certain incentive programs to encourage preservation of landmark buildings in the City.

~~(Rev. 9-25-78)~~

E-F The Commission may accept, in the name of the City of Troy, any grant, loan or aid of any character from Federal, State or private sources, to be expended for the purposes contemplated by this chapter, including, but not limited to the making of surveys of historical structures and/or sites, and the acquisition, restoration and possible resale of properties of historical or architectural significance. Such funds shall be administered in accordance with the Charter of the City of Troy, but a separate accounting shall be made of them and a copy of such accounting given to the Commission at least quarterly.

~~The resale of properties under the jurisdiction of the Commission should not be made without the report and recommendation of the Commission, and should be done with the stipulation that the structure or site must remain a historic district and be subject to the regulations set forth in this chapter, unless removed from the category of "Historic District" upon recommendation of the Commission. Sums received from the resale of such properties may, with the approval of the City Council, be budgeted for the acquisition and restoration of additional historic properties.~~

~~(Rev. 9-25-78)~~

~~F-G~~ Budget: There may be appropriated in the annual budget of the City of Troy a sum of money which may be expended and accounted for in accordance with the Troy City Charter and the Uniform Budgeting and Accounting Act of the State of Michigan.

~~(Rev. 10-9-72)~~

## 6. RULES OF THE COMMISSION

- A. The Commission shall elect from its membership a ~~Chairman Chair~~, Vice-Chairman ~~Chair~~ and Secretary at the first meeting each year. The ~~Chairman Chair~~ shall preside over the Commission and have the right to vote. The Vice-Chairman ~~Chair~~ shall perform the duties of the ~~Chairman Chair~~ in his or her absence. The Secretary shall keep an accurate record of the proceedings of the Commission.

~~(Rev. 9-25-78)~~

- B. The Commission should meet at least quarterly, and at the call of the ~~Chairman, Secretary, or two (2) members of the Commission, if matters are referred to it by the Director of Buildings and Inspections.~~ Building and Zoning.

~~(Rev. 10-9-72)~~

- C. At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding meetings. All meetings of the Commission shall be open to the public, and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.

~~(Rev. 10-9-72)~~

- D. The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions. The concurring affirmative vote of four (4) members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the City Council.

~~(Rev. 9-25-78)~~

## 7. PROCEDURES FOR REVIEW OF PLANS

- A. Application for a building permit to construct, alter, move or demolish any ~~structure or site resource~~ in a Historic District shall be made to the Director of ~~Buildings and Inspections~~ Building and Zoning. Plans shall be submitted showing the ~~structure resource~~ in question and also showing its relation to adjacent ~~structures resources~~.

B. Upon the filing of such application, the Director of ~~Buildings and Inspections~~ Building and Zoning or his or her representative shall immediately notify the Commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission.

C. The Commission shall ~~meet within fifteen (15) days after notification by the~~ Director of Buildings and Inspections of the filing, unless otherwise mutually agreed upon by the applicant and the Commission, and shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit, and with the Director of ~~Buildings and Inspections~~ Building and Zoning, and with the City Planning Director.

D. The Commission shall approve or disapprove such plans, and, if approved, shall issue a certificate of ~~approval~~ appropriateness or a notice to proceed, which is to be signed by the ~~Chairman~~ Chair or ~~Vice-Chairman~~ Chair, attached to the application for a building permit and immediately transmitted to the Director of ~~Buildings and Inspections~~ Building and Zoning. The ~~Chairman~~ Chair shall also stamp all plans submitted to the Commission signifying its approval or disapproval.

E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Director of ~~Buildings and Inspections~~ Building and Zoning and to the applicant. The Commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to ~~his~~ the plans and shall have the right to resubmit ~~his~~ the application at any time after so doing.

If the requested permit is denied by the Commission, the Director of ~~Buildings and Inspections~~ Building and Zoning shall disapprove the application.

F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within ~~forty-five (45)~~ sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval and the Director of ~~Buildings and Inspections~~ Building and Zoning shall proceed to process the application without regard to a certificate of ~~approval~~ appropriateness or notice to proceed from the Commission.

G. After the certificate of ~~approval~~ appropriateness or notice to proceed has been issued and the building permit granted to the applicant, the Director of ~~Buildings and Inspections~~ Building and Zoning or his or her representative shall inspect the construction or alteration approved by such certificate, in accordance with ~~he~~ the procedures established by the Building Department of the City of Troy.

H. If the Commission denies a request for a demolition permit, it shall have the privilege of publicizing the imminent destruction of this structure, and may make an effort to find a private or corporate purchaser interested in preserving the property. Failing to find such a purchaser, the Commission may then recommend

that the City of Troy purchase the property. Conclusive action must be taken within sixty (60) days of the date of the request.

- I. In cases where approval or demolition is granted for reasons other than public health or safety, such the certificate of approval appropriateness or notice to proceed shall not become effective until sixty (60) days after the date of issuance, in order to provide a period of time within which it may be possible to relieve a hardship or transfer the property to another owner who will retain the structure resource. At the discretion of the Commission, this waiting period may be waived.
- J. If the Commission grants a permit for demolition, it may notify the Troy Historical Commission so that that body may consult with the owner about obtaining anything of historical significance from the property.
- K. If an applicant seeks immediate approval to alter, repair, move or demolish a resource to prevent an imminent hazard to the safety of the public or a structure's occupants, the Chair of the Commission shall call a special meeting as early as possible, in compliance with the Open Meetings Act, to make a decision on the applicant's request.
- L. Upon a finding by the commission that a historic resource within an historic district, subject to its review and approval, is threatened by demolition by neglect, the commission may do either of the following:
  - 1. The commission may require the owner of the resource to repair all conditions contributing to the demolition by neglect.
  - 2. If the owner does not make repairs within a reasonable time, the commission or agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

(Rev. 10-9-72)

## 8. REVIEW OF SITE PLANS FOR HISTORICAL MUSEUM AND HISTORIC GREEN

~~The sites encompassing the former City Hall and Township Hall Building and those Historic Districts included within Parcel Number 16-478-009 as indicated in Section 3 of this Chapter are hereby designated as the Troy Historical Museum and Historic Green.~~

~~Site Plans for development of the Historical Museum and Historic Green Sites are subject to review and action as indicated in Section 18-80.00 (B) of the Zoning Ordinance. Prior to final action on such Site Plans, the City Council shall hold a Public Hearing on same. Notice of this Public Hearing shall be sent to all owners of real property within three hundred (300) feet of the Historical Museum and Historic Green Sites, as indicated in City records.~~

(Rev. 5-10-81)

#### 9-8. DEMOLITION OR MOVING HISTORIC STRUCTURES RESOURCES

The demolition or moving of ~~structures designated as resources located in~~ Historic Districts shall be discouraged. The Commission shall ~~not issue a certificate of approval for approve~~ demolition except when deemed a hazard to public health or safety by a responsible public agency, but may issue such a certificate of appropriateness for moving said structure resource.

The Commission may issue a certificate of approval ~~for the repair, alteration, appropriateness or notice to proceed for the moving or demolition of any structure resource~~. An application for ~~repair or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure resource~~ shall be approved by the Commission if any of the following conditions prevail, and if in the opinion of the Commission the proposed changes work will materially improve or correct these conditions:

1. The structure resource is a deterrent to a major improvement program which will be of substantial benefit to the community;
2. Retention of the structure resource would cause undue financial hardship to the owner; or
3. Retention of the structure resource would not be in the interest of the majority of the community.

(Rev. 5-10-81)

#### 9. PROPOSED HISTORIC DISTRICT

Upon receipt of substantial evidence showing the presence of historic architectural, archeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission for review as provided in this ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic were an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

#### 10. EMERGENCY MORATORIUM

If the City Council determines that pending work will cause irreparable harm to resources located within an established historic district, City Council may, by resolution, declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to

resources is still present. Any pending permanent application concerning a resource subject to an emergency moratorium may be summarily denied.

#### 10-11. YARD VARIANCES

Due to peculiar conditions of design and construction in Historic Districts, where structures were often built close to the lot lines, it is in the public interest to retain the District's appearance by making variances to normal yard requirements. Where it is deemed that such variances will not adversely affect neighboring properties, the Commission may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be granted.

~~(Rev. 5-10-81)~~

#### 11-12. EXCEPTIONS

Nothing in this chapter shall be construed to prevent ordinary maintenance, repair or sale of any structure resource within an historic district. Nor shall anything in this chapter be construed to alter, amend or delete provisions of other Troy City ordinances, or the Troy City Charter pertaining to the administration, control, or ownership of property owned by the City of Troy.

~~(Rev. 5-10-81)~~

#### 12-13. APPEALS

~~Any person or persons jointly or severally aggrieved by a decision of the Commission may, within thirty (30) days after the Director of Buildings and Inspections has disapproved an application for a permit upon recommendation of the commission, appeal to the City Council by written petition; and the City Council shall hear all pertinent evidence and shall affirm said decision, unless it finds the basis of such decision to be unwarranted by the evidence or insufficient in law, or shall take such other action as justice may require.~~

~~(Rev. 5-10-81)~~

An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the state historic preservation review board of the Michigan historical commission. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the historic preservation review board may appeal the decision to the circuit court. Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission concerning a matter other than a permit application, may appeal the decision to the circuit court.

### 14. ESTABLISHMENT, MODIFICATION OR ELIMINATION OF A HISTORIC DISTRICT

A. Establishment of Historic District Study Committee

Before establishing, modifying or eliminating any Historic District, City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall consist of at least one (1) member of the Historic District Commission and shall contain representation from at least one other duly organized local historic preservation organization. The study committee shall be an ad hoc committee established to consider the establishment, modification or elimination of historic districts in specified areas as determined by City Council and then be dissolved.

B. Duties of the Historic District Study Committee

1. The Historic District Study Committee shall do all of the following:

- a. Conduct a photographic inventory of resources within each proposed historic district, following procedures established or approved by the Michigan Department of History, Arts, and Libraries.
- b. Conduct basic research of each proposed historic district and the historic resources located within that District;
- c. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60.
- d. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
  - i. The charge of the Committee;
  - ii. The composition of the Committee membership;
  - iii. The historic district or districts studied;
  - iv. The boundaries for each proposed historic district in writing and on maps;
  - v. The history of each proposed historic district;
  - vi. The significance of each district as a whole, as well as a sufficient number of individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
- e. Transmit copies of the preliminary report for review to City Council, the Planning Commission, the Historic District Commission, the Michigan Department of History, Arts and Libraries, the Michigan Historical Commission and the State Historic Preservation Review Board.



f. Make copies of the preliminary report available to the public.

2. The City Council may prescribe the time for preparation and transmittal of the preliminary report if the Council deems it in the public interest to do so.

3. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Study Committee shall hold a public hearing. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261, et seq. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Troy.

4. The Committee shall have no other powers, express or implied, beyond those listed in this section, except as may be otherwise expressly authorized by ordinance or resolution of City Council.

C. Actions to be Taken by the Historic District Study Committee and City Council.

After the date of the public hearing, the Historic District Study Committee and City Council shall take the following actions:

1. The Committee shall prepare and submit a final report with its recommendation and the recommendation, if any, of the Planning Commission to the City Council. If the recommendation is to establish, modify or eliminate a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

2. After receiving a final report that recommends the establishment, modification or elimination of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances establishing, modifying or eliminating one or more historic districts. If the City Council passes an ordinance or ordinances establishing, modifying or eliminating one or more historic districts, City Council shall file a copy of that ordinance or ordinances, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. City Council shall not pass an ordinance establishing a contiguous historic district less than sixty days after a majority of the property owners within the proposed historic district, as listed on the City tax rolls, have approved the establishment of the historic district pursuant to a written petition.

3. At any time after expiration of the time limits set in or prescribed by City Council pursuant to this section for the Historic District Study Committee to act, the City Council may, in its discretion, proceed to introduce and pass or reject an ordinance as described in the immediately preceding paragraph

2.

D. Elimination of Districts

If considering elimination of a historic district, the Committee shall follow the procedures set forth for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:

1. The historic district has lost those physical characteristics that enabled establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

E. Availability

All writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function shall be made available to the public.

15. ENFORCEMENT; VIOLATIONS

- A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.
- B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a misdemeanor and subject to penalties as provided by law for misdemeanors. The Director of Building and Zoning or his or her representative is hereby legally authorized to issue a citation for a violation of this chapter.
- C. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

#### Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

#### Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Matt Pryor, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

## Chapter 13 – Historic Preservation

### 1. PURPOSE

The purpose of this Chapter is to 1) safeguard the heritage of the City of Troy by preserving historic resources in the City which reflect elements of its cultural, social, economic, political and architectural history; (2) stabilize and improve property values; 3) foster civic beauty; 4) strengthen the local economy; 5) promote the use of historic resources for the education, pleasure and welfare of the citizens of the City.

### 2. DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

- A. **ALTERATION:** work that changes the detail of a resource but does not change its basic size or shape.
- B. **CERTIFICATE OF APPROPRIATENESS (COA):** written approval of a permit application to apply for a building permit if required, for work that is determined to be appropriate and that does not adversely affect a resource.
- C. **COMMISSION:** the historic district commission which is responsible for implementing Public Act 169 of 1970 as amended and the city's historic preservation ordinance for the City of Troy.
- D. **COMMITTEE:** a historic district study committee appointed by the city council.
- E. **DEMOLITION:** razing a resource, whether entirely or in part, which may include, but is not limited to demolition by neglect.
- F. **DEMOLITION BY NEGLECT:** neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
- G. **HISTORIC DISTRICT:** in accordance with Act 169, Public Acts of 1970, the term "Historic District" shall mean an area or group of areas not necessarily having contiguous boundaries, created by the City for the purposes of this Chapter. This shall include any historical or cultural site or structure (including significant trees or other plant life located thereon) of particular historic or cultural significance to the City of Troy, the State of Michigan, or the U.S.A., where cultural, political, spiritual, economic or social history of the community, state or nation is reflected or exemplified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, or style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age.
- H. **HISTORIC LANDMARK:** any structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of

this city, state, or of the United States. A landmark is a historic district as defined in this section which contains only one (1) resource.

- I. HISTORIC RESOURCE: a structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States.
- J. NOTICE TO PROCEED: authorization to perform work that does not qualify for a COA but may legally be accomplished following criteria set forth in this ordinance.
- K. OPEN SPACE: undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
- L. ORDINARY MAINTENANCE: keeping a resource unimpaired and in good condition through ongoing minor intervention to the exterior of a resource. Ordinary maintenance does not change the exterior appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- M. PROPOSED HISTORIC DISTRICT: An area or group of areas, not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
- N. REPAIR: to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes an alteration for purposes of this act.
- O. RESOURCE: a building, structure, site, object, feature or open space located within a historic district, or described as a historic landmark.
- P. WORK: construction, addition, alteration, repair, moving, excavation or demolition.

### 3. REGULATION OF RESOURCES AND ESTABLISHED HISTORIC DISTRICTS

- A. There shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with this chapter. The following Historic Districts are hereby established.

**Troy Union Cemetery, 1199 E. Square Lake** (Tax ID: 88-20-02-301-009) T2N, R11E, SEC 2, PART OF SW ¼ OF SW ¼ BEG AT PT DIST S 89-44-00 E 750 FT FROM SW COR SEC 2, TH S 89-44-00 E 573.57 FT, TH N 00-24-30 W 446.10 FT, TH N 88-46-00 W 365.25 FT, TH S 40-53-00 W 133.60 FT, TH S 89-27-30 W 29.8 FT, TH S 14-06-00 W 360.89 FT TO BEG 4.66 A

**6890 Norton** (Tax ID: 88-20-03-226-033) T2N, R11E, SEC 3 PART OF NE ¼ BEG AT PT DIST S 01-15-30 E 809.30 FT & S 88-59-30 W 276.15 FT FROM N 1/8 COR, TH S 88-59-30 W 250 FT, TH N 01-35-15 W 136.63 FT, TH N 88-59-30 E 250 FT, TH S 01-35-15 E 136.63 FT TO BEG 0.78 A

**770 W. Square Lake** (Tax ID: 88-20-04-354-011) T2N, R11E, SEC 4 PART OF SW ¼ BEG AT PT DIST N 00-17-56 E 259.88 FT & S 89-45-00 E 160 FT & S 79-23-48 E 273.17 FT & S 69-02-36 E 300 FT & S 79-29-59 E 232.30 FT & S 89-57-22 E 136.66 FT FROM SW SEC COR, T N 00-12-04 E 226.40 FT, TH N 73-29-54 E 14.90 FT TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS N 86-20-14 E 26.67 FT, DIST OF 26.89 FT, TH ALG CURVE TO LEFT, RAD 60 FT, CHORD BEARS N 74-27-32 E 50.18 FT, DIST OF 51.77 FT, TH S 40-15-30 E 40.45 FT, TH S 89-57-22 E 9.96 FT, TH S 00-06-01 W 215 FT, TH N 89-59-22 W 125.75 FT, TO BEG 0.67 A5-3-90 FR 008

**330 W. Square Lake** (Tax ID: 88-20-04-451-029) T2N, R11E, SEC 4 E 169.92 FT of W 856.08 FT OF S 300 FT OF SE ¼, EXC S 60 FT TAKEN FOR RD 0.941A 2-6-93 FR 025

**6091 Livernois** (Tax ID: 88-20-04-478-013) T2N, R11E, SEC 4 TROY ACRES S 70 FT OF LOT 1

**6071 Livernois** (Tax ID: 88-20-04-478-017) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 1 EXC E 27 FT TAKEN FOR RD 6-11-96 CORR

**6059 Livernois** (Tax ID: 88-20-04-478-018) T2N, R11E, SEC 3, 4, 9 & 10, SUPERVISOR'S PLAT NO. 7 LOT 2

**90 West Square Lake** (Tax ID: 88-20-04-478-022) T2N, R11E, SEC 4, TROY ACRES NO. 1 SLY 150 FT OF LOT 20 EXC BEG AT SW LOT COR, TH N 89-30-00 E 93 FT, TH N 41 FT, TH S 88-15-21 W 93.04 FT, TH S 38.98 FT TO BEG 6-13-96 CORR

**Former Stone School, 3995 South Boulevard** (Tax ID: 88-20-06-101-001) T2N, R11E, SEC 6 W 165 FT OF N 264 FT OF NW FRC ¼ EXC PART TAKEN FOR HWY DESC AS BEG AT NW SEC COR, TH ELY 91 FT ALG SEC LINE, TH SWLY TO PT IN W SEC LINE DIST OF 91 FT SLY FROM BEG, TH NLY 91 FT ALG SEC LINE TO BEG 0.90 A

**Beach Road Cemetery** (Tax ID: 88-20-07-451-001) T2N, R11E, SEC 7  
N 147 FT OF 167 FT OF SW ¼ OF SE ¼ 0.57A

**5875 Livernois** (Tax ID: 88-20-09-232-005) T2N, R11E, SEC 3, 4, 9, &  
10 SUPERVISORS PLAT NO. 7 LOT 13

**46 East Square Lake Road** (Tax ID: 88-20-10-101-002) T2N, R11E,  
SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7, PART OF LOT 26  
BEG AT NW COR, T S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO  
PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT  
ALG S LOT LINE, TH NLY 116.30 FT TO BEG, ALSO ALL OF LOT 27

**54 East Square Lake Road** (Tax ID: 88-20-10-101-003) T2N, R11E,  
SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7 LOT 26 EXC BEG AT  
NW LOT COR, TH S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO  
PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT  
ALG S LOT LINE, TH NLY 116.30 FT ALG W LOT LINE TO BEG

**90 East Square Lake Road and 110 East Square Lake Road** (Tax ID  
88-20-10-101-004) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS  
PLAT NO. 7 LOT 25

**126 East Square Lake Road** (Tax ID: 88-20-10-101-005) T2N, R11E,  
SEC 3, 4, 9, & 10 SUPERVISOR'S PLAT NO. 7 LOT 24

**138 East Square Lake Road** (Tax ID: 88-20-10-101-006) T2N, R11E,  
SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 23

**160 East Square Lake Road** (Tax ID: 88-20-10-101-043) T2N, R11E,  
SEC 10 PART OF NW ¼ BEG AT PT DIST N 00-14-00 W 33 FT FROM  
NE COR OF LOT 23 OF 'SUPERVISOR'S PLAT NO 7', TH S 89-43-00  
E 145 FT, TH S 00-14-00 E 300 FT, TH N 89-43-00 W 145 FT, TH N  
00-14-00 W 300 FT TO BEG 1 A

**101 East Square Lake Road** (Tax ID: 88-20-03-301-077) T2N, R11E,  
SEC 3, SUPERVISOR'S PLAT NO. 7 E 30 FT OF LOT 20 EXC S 41 FT  
TAKEN FOR RD, ALSO LOT 21 EXC S 41 FT TAKEN FOR RD, ALSO  
N 73.43 FT OF LOT 22

**Sylvan Glen Clubhouse, 5725 Rochester Road** (Tax ID: 88-20-10-  
200-001) T2N, R11E, SEC 10 NE ¼ 160 A

**5871 Hilmore** (Tax ID: 88-20-11-103-014) T2N, R11E, SEC 11 PART  
OF NW ¼ BEG AT PT DIST S 01-33-00 E 833 FT FROM NE COR OF  
W ½ OF NW ¼, TH S 88-55-00 W 330 FT, TH S 01-33-00 E 200 FT,  
TH N 88-55-00 E 330 FT, TH N 01-33-00 W 200 FT TO BEG 1.55 A

**2356 East Long Lake** (Tax ID: 88-20-13-127-020) T2N, R11E, SEC 13 PART OF NW ¼ BEG AT PT DIST S 89-53-00 W 492.80 FT FROM N ¼ COR, TH S 00-11-45 E 505.60 FT, TH S 89-53-00 W 510 FT, TH N 00-11-45 W 505.60 FT, TH N 89-53-00 E 510 FT TO BEG 5.92 A

**Hill House, 4320 John R** (Tax ID: 88-20-13-303-014) T2N, R11E, SEC 13 PART OF SW ¼ BEG AT PT DIST N 00-49-43 E 1544.71 FT FROM SW SEC COR, TH S 89-10-17 E 220 FT, TH N 00-49-43 E 200 FT, TH N 89-10-17 W 220 FT, TH S 00-49-43 W 200 FT TO BEG EXC W 50 FT TAKEN FOR RD 0.77 A

**4820 Livernois** (Tax ID: 88-20-15-102-010) T2N, R11E, SEC 15 BELZAIR SUB NO 1 OUTLOT C EXC THAT PART DESC AS BEG AT NE COR OF OUTLOT C, TH S 00-06-40 W 164.45 FT ALG E LINE OF OUTLOT C, TH S 89-46-10 W 24.14 FT, TH N 00-00-16 W 97.30 FT, TH N 89-59-44 E 3.00 FT, TH N 00-00-16 W 36.52 FT, TH S 80-03-40 W 3.04 FT, TH N 00-00-16 W 27.00 FT TO N LINE OF OUTLOT C, TH N 80-03-40 E 24.54 FT TO BEG

**Emerson Church – Unitarian Universalist, 4320 Livernois** (Tax ID: 88-20-15-351-002) T2N, R11E, SEC 15 & 16 MC CORMICK & LAWRENCE LITTLE FARMS SUB LOTS 46 & 47 EXC W 27 FT TAKEN FOR RD, ALSO ALL OF LOT 48, ALSO W 85.58 FT OF LOT 49

**Museum Properties - Caswell House, Poppleton School, Old City Hall, Old Troy Church and Parsonage, 60 W. Wattles** (Tax ID: 88-20-16-478-033) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 89 TO 92 INCL, ALSO LOTS 131 TO 134 INCL EXC S 27 FT TAKEN FOR RD, ALSO N 30.75 FT OF LOT 138, ALSO LOTS 139 TO 142 INCL, EXC E 27 FT TAKEN FOR LIVERNOIS RD

**2955 Quail Run** (Tax ID: 88-20-18-101-035) T2N, R11E, SEC 18 STRAWBERRY HILL LOT 37 EXC BEG AT NE LOT COR, TH S 00-16-39 W 191.86 FT, TH N 89-43-00 W 44.61 FT, TH N 13-22-02 E 196.97 FT TO BEG

**4800 Beach** (Tax ID: 88-20-18-203-011) T2N, R11E, SEC 18 PART OF NW ¼ OF NE ¼ BEG AT PT DIST S 02-48-55 E 945.50 FT & N 89-05-05 E 43 FT FROM N ¼ COR, TH N 89-05-05 E 152.73 FT, TH ALG CURVE CONCAVE SLY, RAD 250 FT, CHORD BEARS S 85-09-38 E 50.14 FT, DIST OF 50.22 FT, TH S 79-24-20 E 13.04 FT, TH S 02-48-55 E 203.88, TH S 87-11-05 W 215 FT, TH N 02-48-55 W 218.65 FT TO BEG 1.06 A



**Crooks Road Cemetery** (Tax ID: 88-20-20-226-022) T2N, R11E, SEC 20 PART OF NE ¼ BEG AT PT DIST N 00-43-30 E 1101.84 FT FROM E ¼ COR, TH N 88-08-30 W 310.03 FT, TH ALG CURVE TO RIGHT, RAD 100 FT, CHORD BEARS N 43-08-30 W 141.42 FT, DIST OF 157.08 FT, TH N 01-51-30 E 180 FT, TH ALONG CURVE TO LEFT, RAD 180 FT, CHORD BEARS N 43-08-30 W 254.56 FT, DIST OF 282.74 FT, TH N 01-51-30 E 179.31 FT, TH S 87-06-30 E 577.09 FT, TH S 00-43-30 E 629.54 FT TO BEG 6.71 A

**3645 Crooks** (Tax ID: 88-20-20-226-038) T2N, R11E, SEC 20 TROY HIGHLANDS NO. 1 LOT 70

**839 W. Wattles** (Tax ID: 88-20-21-101-024) T2N, R11E, SEC 21 PART OF NW ¼ BEG AT PT DIST S 89-58-00 E 535.00 FT FROM NW SEC COR, TH S 89-58-00 E 287.00 FT, TH S 00-13-00 W 607.22 FT, TH N 89-58-00 W 287.00 FT, TH N 00-13-00 E 607.22 FT TO BEG EXC N 245 FT OF W 150 FT THEREOF, ALSO EXC N 60 FT TAKEN FOR RD 2.97 A

**3864 Livernois** (Tax ID: 88-20-22-101-005) T2N, R11E, SEC 22 PART OF NW ¼ OF NW ¼ BEG AT PT DIST N 1771.6 FT FROM W ¼ COR, TH N 330 FT, TH E 660 FT, TH S 330 FT, TH W 660 FT TO BEG 5 A

**36551 Dequindre** (Tax ID: 88-20-25-230-032) T2N, R11E, SEC 25 PART OF NW ¼ BEG AT PT DIST S 00-00-08 E 1028.22 FT & S 89-23-59 W 60 FT FROM NE SEC COR, TH S 00-00-08 E 300 FT, TH S 89-23-59 W 245 FT, TH N 00-00-08 W 300 FT, TH N 89-23-59 E 245 FT TO BEG 1.69 A

**1934 Livernois** (Tax ID: 88-20-27-351-016) T2N, R11E, SEC 27 ADDISON HEIGHTS SUB N 81 FT OF W 108 FT OF LOT 53

**Perrin Cemetery (Coolidge)** (Tax ID: 88-20-32-152-002) T2N, R11E, SEC 32 PART OF W ½ BEG AT W ¼ COR, TH N 00-03-00 E 165 FT, TH E 140 FT, TH S 00-03-00 W 165 FT, TH S 88-44-30 E 25 FT, TH S 01-06-30 W 67.5 FT, TH N 88-31-00 W 165 FT, TH N 00-03-00 E 66 FT TO BEG 0.78 A

- B. Except as provided in subsection C, all of the Historic Districts established as of July 21, 2003 shall be exempt from the requirements and provisions of Section 14 of this Chapter entitled "Establishment, Modification or Elimination of a Historic District". Such exempt Historic Districts shall not be within the purview of any Historic District Study Committee and shall remain under the sole jurisdiction of the Historic District Commission, except to the extent otherwise provided in Section 5 of this Chapter for the Historic Districts included in the Troy Museum and Historic Village.
- C. A person or entity that owns a resource within an Historic District established as of July 21, 2003, may submit a request to the Commission to modify or eliminate

such Historic District. In such cases, the Historic District may only be eliminated or modified in accordance with Section 14.

4. HISTORIC DISTRICT COMMISSION

- A. Creation of Commission: In order to execute the purposes of this section, there is hereby created a Commission to be called the Historic District Commission.
- B. Membership of Commission: The Historic District Commission shall consist of seven (7) members whose residence is located in the City of Troy. The Commission shall include at least two (2) persons chosen from a list submitted by the Troy Historical Society, one (1) person nominated by the Troy Historical Commission, and, if available, one (1) architect duly registered in the State of Michigan. They shall be appointed by the City Council for terms of office of three (3) years. All members shall hold office until their successors are appointed. Members of the Commission may be reappointed after their terms expire. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term. The members of the Commission shall serve without compensation.

5. DUTIES AND POWERS OF THE COMMISSION

The Commission shall have all powers and duties authorized by Public Act 169 of 1970, as amended, MCL 399.201, et seq. including but not limited to the following:

- A. The Commission shall have authority to conduct an ongoing survey to identify historically and architecturally significant, properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city. The Commission may use the Michigan Historical Site Survey form as a guide, and accepting the work of interested volunteers. Such Site Surveys should be kept as a part of the permanent records of the Commission, at a place designated by the Commission.
- B. It shall be the duty of this Commission to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource. Plans for any work in the historic resources comprising the Troy Museum and Historic Village may be submitted based on a three-year plan based on Department of Interior Preservation briefs but without detailed specifications. For purposes of this Chapter, the historic resources of the Troy Museum and Historic Village shall include, but are not limited to, those Historic Districts established in Section 3 of this Chapter and listed as Old City Hall, Caswell House, Poppleton School, Old Troy Church, and Parsonage. It is the intent of this section that the Commission shall be lenient in its judgment of plans for a new construction or for alteration or demolition of historic resources of little historic value, except where such construction, alteration or demolition would seriously impair the historic value and character of the resource and the surrounding resources and area. A permit shall not be issued and proposed work shall not proceed until the Commission

has acted on the application by issuing a certificate of appropriateness or a notice to proceed.

In reviewing the plans, the Commission shall follow the United States Secretary of the Interior's standards for rehabilitating historic buildings as set forth in 36 CFR part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's standards and guidelines and are established or approved by the Michigan Department of History, Arts, and Libraries. The Commission shall also consider the following:

1. The historical or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;
2. The relationship of the exterior architectural features of the resource to the rest of the resource and to the surrounding area;
3. The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
4. Any other factor, including aesthetic, which it deems to be pertinent.

The Commission shall review and act upon exterior features of a historic resource and shall not consider interior arrangement, unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not set forth above.

- C. In those situations where the Commission finds the proposed work adversely affects the exterior of a resource the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
- D. Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:
  1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
  2. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
  3. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the

owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

4. Retaining the resource is not in the interest of the majority of the community.
  - E. The Commission may recommend to the City Council certain incentive programs to encourage preservation of landmark buildings in the City.
  - F. The Commission may accept, in the name of the City of Troy, any grant, loan or aid of any character from Federal, State or private sources, to be expended for the purposes contemplated by this chapter, including, but not limited to the making of surveys of historical structures and/or sites, and the acquisition, restoration and possible resale of properties of historical or architectural significance. Such funds shall be administered in accordance with the Charter of the City of Troy, but a separate accounting shall be made of them and a copy of such accounting given to the Commission at least quarterly.
  - G. Budget: There may be appropriated in the annual budget of the City of Troy a sum of money which may be expended and accounted for in accordance with the Troy City Charter and the Uniform Budgeting and Accounting Act of the State of Michigan.
6. RULES OF THE COMMISSION
- A. The Commission shall elect from its membership a Chair, Vice- Chair and Secretary at the first meeting each year. The Chair shall preside over the Commission and have the right to vote. The Vice-Chair shall perform the duties of the Chair in his or her absence. The Secretary shall keep an accurate record of the proceedings of the Commission.
  - B. The Commission should meet at least quarterly, and at the call of the Chair, Secretary, or two (2) members of the Commission, if matters are referred to it by the Director of Building and Zoning.
  - C. At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding meetings. All meetings of the Commission shall be open to the public, and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.
  - D. The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions. The concurring affirmative vote of four (4) members shall constitute approval of plans before it for review, or for the

adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the City Council.

7. PROCEDURES FOR REVIEW OF PLANS

- A. Application for a building permit to construct, alter, move or demolish any resource in a Historic District shall be made to the Director of Building and Zoning. Plans shall be submitted showing the resource in question and also showing its relation to adjacent resources.
- B. Upon the filing of such application, the Director of Building and Zoning or his or her representative shall immediately notify the Commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission.
- C. The Commission shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit, and with the Director of Building and Zoning, and with the City Planning Director.
- D. The Commission shall approve or disapprove such plans, and, if approved, shall issue a certificate of appropriateness or a notice to proceed, which is to be signed by the Chair or Vice- Chair, attached to the application for a building permit and immediately transmitted to the Director of Building and Zoning. The Chair shall also stamp all plans submitted to the Commission signifying its approval or disapproval.
- E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Director of Building and Zoning and to the applicant. The Commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to the plans and shall have the right to resubmit the application at any time after so doing.  
  
If the requested permit is denied by the Commission, the Director of Building and Zoning shall disapprove the application.
- F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval and the Director of Building and Zoning shall proceed to process the application without regard to a certificate of appropriateness or notice to proceed from the Commission.
- G. After the certificate of appropriateness or notice to proceed has been issued and the building permit granted to the applicant, the Director of Building and Zoning or his or her representative shall inspect the construction or alteration approved by such certificate, in accordance with the procedures established by the Building Department of the City of Troy.

- H. If the Commission denies a request for a demolition permit, it shall have the privilege of publicizing the imminent destruction of this structure, and may make an effort to find a private or corporate purchaser interested in preserving the property. Failing to find such a purchaser, the Commission may then recommend that the City of Troy purchase the property. Conclusive action must be taken within sixty (60) days of the date of the request.
- I. In cases where approval or demolition is granted for reasons other than public health or safety, the certificate of appropriateness or notice to proceed shall not become effective until sixty (60) days after the date of issuance, in order to provide a period of time within which it may be possible to relieve a hardship or transfer the property to another owner who will retain the resource. At the discretion of the Commission, this waiting period may be waived.
- J. If the Commission grants a permit for demolition, it may notify the Troy Historical Commission so that that body may consult with the owner about obtaining anything of historical significance from the property.
- K. If an applicant seeks immediate approval to alter, repair, move or demolish a resource to prevent an imminent hazard to the safety of the public or a structure's occupants, the Chair of the Commission shall call a special meeting as early as possible, in compliance with the Open Meetings Act, to make a decision on the applicant's request.
- L. Upon a finding by the commission that a historic resource within an historic district, subject to its review and approval, is threatened by demolition by neglect, the commission may do either of the following:
  - 1. The commission may require the owner of the resource to repair all conditions contributing to the demolition by neglect.
  - 2. If the owner does not make repairs within a reasonable time, the commission or agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

## 8. DEMOLITION OR MOVING HISTORIC RESOURCES

The demolition or moving of resources located in Historic Districts shall be discouraged. The Commission shall not approve demolition except when deemed a hazard to public health or safety by a responsible public agency, but may issue a certificate of appropriateness for moving said resource.

The Commission may issue a certificate of appropriateness or notice to proceed for the moving or demolition of any resource. An application for the moving or demolition of a resource shall be approved by the Commission if any of the following conditions prevail,

and if in the opinion of the Commission the proposed work will materially improve or correct these conditions:

1. The resource is a deterrent to a major improvement program which will be of substantial benefit to the community;
2. Retention of the resource would cause undue financial hardship to the owner; or
3. Retention of the resource would not be in the interest of the majority of the community.

9. PROPOSED HISTORIC DISTRICT

Upon receipt of substantial evidence showing the presence of historic architectural, archeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission for review as provided in this ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district were an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

10. EMERGENCY MORATORIUM

If the City Council determines that pending work will cause irreparable harm to resources located within an established historic district, City Council may, by resolution, declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permanent application concerning a resource subject to an emergency moratorium may be summarily denied.

11. YARD VARIANCES

Due to peculiar conditions of design and construction in Historic Districts, where structures were often built close to the lot lines, it is in the public interest to retain the District's appearance by making variances to normal yard requirements. Where it is deemed that such variances will not adversely affect neighboring properties, the Commission may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be granted.

12. EXCEPTIONS

Nothing in this chapter shall be construed to prevent ordinary maintenance, repair or sale of any resource within an historic district. Nor shall anything in this chapter be construed to alter, amend or delete provisions of other Troy City ordinances, or the Troy City Charter pertaining to the administration, control, or ownership of property owned by the City of Troy.

13. APPEALS

An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the state historic preservation review board of the Michigan historical commission. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the historic preservation review board may appeal the decision to the circuit court. Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission concerning a matter other than a permit application, may appeal the decision to the circuit court.

14. ESTABLISHMENT, MODIFICATION OR ELIMINATION OF A HISTORIC DISTRICT

A. Establishment of Historic District Study Committee

Before establishing, modifying or eliminating any Historic District, City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall consist of at least one (1) member of the Historic District Commission and shall contain representation from at least one other duly organized local historic preservation organization. The study committee shall be an ad hoc committee established to consider the establishment, modification or elimination of historic districts in specified areas as determined by City Council and then be dissolved.

B. Duties of the Historic District Study Committee

1. The Historic District Study Committee shall do all of the following:
  - a. Conduct a photographic inventory of resources within each proposed historic district, following procedures established or approved by the Michigan Department of History, Arts, and Libraries.
  - b. Conduct basic research of each proposed historic district and the historic resources located within that District;
  - c. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60.
  - d. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:



- i. The charge of the Committee;
    - ii. The composition of the Committee membership;
    - iii. The historic district or districts studied;
    - iv. The boundaries for each proposed historic district in writing and on maps;
    - v. The history of each proposed historic district;
    - vi. The significance of each district as a whole, as well as a sufficient number of individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
  - e. Transmit copies of the preliminary report for review to City Council, the Planning Commission, the Historic District Commission, the Michigan Department of History, Arts and Libraries, the Michigan Historical Commission and the State Historic Preservation Review Board.
  - f. Make copies of the preliminary report available to the public.
2. The City Council may prescribe the time for preparation and transmittal of the preliminary report if the Council deems it in the public interest to do so.
  3. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Study Committee shall hold a public hearing. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261, *et seq.* Written notice shall be mailed by first class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Troy.
  4. The Committee shall have no other powers, express or implied, beyond those listed in this section, except as may be otherwise expressly authorized by ordinance or resolution of City Council.

C. Actions to be Taken by the Historic District Study Committee and City Council

After the date of the public hearing, the Historic District Study Committee and City Council shall take the following actions:

1. The Committee shall prepare and submit a final report with its recommendation and the recommendation, if any, of the Planning Commission to the City Council. If the recommendation is to establish, modify or eliminate a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.
2. After receiving a final report that recommends the establishment, modification or elimination of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances establishing, modifying or eliminating one or more historic districts. If the City Council passes an ordinance or ordinances

establishing, modifying or eliminating one or more historic districts, City Council shall file a copy of that ordinance or ordinances, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. City Council shall not pass an ordinance establishing a contiguous historic district less than sixty days after a majority of the property owners within the proposed historic district, as listed on the City tax rolls, have approved the establishment of the historic district pursuant to a written petition.

3. At any time after expiration of the time limits set in or prescribed by City Council pursuant to this section for the Historic District Study Committee to act, the City Council may, in its discretion, proceed to introduce and pass or reject an ordinance as described in the immediately preceding paragraph 2.

D. Elimination of Districts

If considering elimination of a historic district, the Committee shall follow the procedures set forth for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:

1. The historic district has lost those physical characteristics that enabled establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

E. Availability

All writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function shall be made available to the public.

15. ENFORCEMENT; VIOLATIONS

- A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.
- B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a misdemeanor and subject to penalties as provided by law for misdemeanors. The Director of Building and Zoning or his or her representative is hereby legally authorized to issue a citation for a violation of this chapter.
- C. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the

costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

Introduction by HDC Chairman Dean Blythe:

Good Evening and Welcome to this special meeting between you, the owners of Historic Properties in the City of Troy, the members of Troy's Historic District Commission, and representatives from the City of Troy. My name is Deane Blythe, the current Chairperson of the Historic District Commission, and I will be serving as your moderator tonight. Before we begin I would like to introduce the other members of the Historic District Commission who are present this evening as well as various other representatives from City Government. Let me begin by introducing Loraine Campbell, who is Manager of the Troy Museum and Historic Village as well as the City Liaison to the Historic District Commission. Other Commission members are..... and of course, Mr. Alan Motzny from the City Attorney's Office.

Now why are we here? First of all, everyone in this room is interested in historic preservation and you historic homeowners live in a piece of Americana that I'm sure you've become very attached to. You want to protect and preserve your home, your historic resource, as well as your financial interest. What we're about this evening, is a collective discussion on how to do that in a more advantageous fashion. As you saw in the materials mailed to you a few weeks ago, the City of Troy is in the process of amending and revising Chapter 13 – the City Code concerned with Historic Preservation. This city code was last amended in 1987 and no longer conforms to the state law governing historic preservation in Michigan. Prior to considering these proposed changes to the city ordinance, City Council and the City Manager have asked the Historic District Commission to meet with owners of homes with local historic designation. Our mission tonight is to familiarize you with the current ordinance and proposed changes, to hopefully answer your questions, and to pass on your comments to the City Manager and the City Council.

To facilitate that process, our HDC Secretary Marge Biglin will record your comments and questions on these flip charts. It is our intention to transfer these into a format for City Manager and ultimately City Council review. We will mail to each of you, identical copies of all the materials we provide to the city officials.

In preparation for tonight's meeting we mailed you copies of both the current and proposed ordinances as well as a summary document prepared by Mr. Motzny so you could read them prior to this evening. We have additional copies of all these documents available now if you need them.

Let's take a moment to talk about this evening's agenda and our meeting process.

First of all, I'm going to take a few moments of your time to make some opening comments, which summarize the collective judgment of the HDC on the proposed ordinance. Following that, Mr. Motzny will review the summary of the proposed changes with you. We ask that Alan be permitted to read and discuss these materials with you without interruption. Following that, it is your turn to ask questions and make comments. Once we open the floor, please raise your hand, and once you are recognized, please identify yourself and give us your address. Then fire away with questions, comments, whatever. We will do what we can to answer your questions and address your comments. We want to make the meeting informal but it must be orderly, so please raise your hand and wait to be recognized. All of us plan to stay here this evening as long as necessary to answer your questions and collect comments.

That leads us to a few comments on the Historic District Commission's perspective on the proposed ordinance. First of all, I can assure you that your Commission has not taken this matter lightly. As I stated earlier, everyone here is a stakeholder in the historic preservation process. In fact, these proposals have received considerable Commission attention since last winter, and have been the subject of numerous meetings, consultations, and conferences between the HDC, the City Attorney's Office, and the State Historic Preservation Organization. I'm not going to take the time this evening to detail all the bends in the road and stops along the trail that got us to this point tonight. However, you should know that the HDC has studied the issues extensively and supports the proposed changes in Chapter 13. Here's why:

First, and as was stated previously, the current ordinance does not comply with the state law. Compliance is an important matter because being a state certified local entity makes certain financial assistance available – first to homeowners that want to make repairs to their property and second to city Historic Preservation Organizations to further their work.



**Troy Museum and Historic Village**  
**60 W. Wattles Rd.**  
**Troy, Michigan, 48084**  
**Phone: (248) 524-3570**  
**Fax: (248) 524-3572**

# **Memo**

**To:** Mr. John Szerlag

**From:** Loraine Campbell, Museum Manager

**Phone:**

**Date:** November 6, 2003

**Re:** Special Meeting HDC and Homeowners

**CC:** Gary Shripka, Brian Stoutenburg, HD Homeowner

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

On August 4, 2003 City Council requested that the Historic District Commission meet with the owners of residences in historic districts to provide them with more information and to collect their concerns regarding proposed amendments to Chapter 13.

The twenty-six homeowners were sent copies of the existing ordinance, the proposed amended ordinance, a summary of the changes and an invitation to a special meeting of the Historic District Commission held on Tuesday, October 21, 2003. (This meeting was held in lieu of the regular monthly commission meeting.) Seven homeowners attended. Attached please find:

1. The introductory comments made by HDC Chair Dean Blythe
2. A PowerPoint presentation given by Alan Motzny to explain the proposed changes to Chapter 13
3. The transcript of citizen comments

Following the meeting, a number of residents said the meeting was helpful and informative. Some seemed reassured that the amendments were a positive step. While a number of residents do not wish to have historic designations for their properties, they understood that the amendments provide a process whereby citizens can petition to have homes removed from historic districts. Finally, the citizens requested copies of this report are forwarded to them. This mailing will be sent by October 30, 2003.

The current state law on Historic Preservation provides a number of safeguards for owners of historic properties. We have included these and some additional safeguards in the proposed city ordinance. These safeguards include:

- The establishment of an independent study committee to make recommendations about properties to be included or removed as historic districts with specific provisions regarding reports and public hearings which must be completed and held prior to any recommendations and final determination.
- A specific direct appeal process for proposed modification or elimination of historic district status that can be used by owners of property that are currently designated historic districts.
- A specific appeal process for homeowners in historic districts who are aggrieved by a Historic District Commission decision regarding construction, alteration, movement, or demolition of any resource in an existing Historic District. This appeal process includes the Historic Preservation Review Board of the Michigan Historical Commission, and if need be, the Circuit Court.
- More specific guidelines for the HDC to follow when reviewing proposed work or modifications on current historic districts.
- Elimination of the existing provision in the current city code that requires HDC review and recommendation regarding the resale of existing historic district properties.

Another reason to update Chapter 13 is that it is badly out of date. Some of the terminology used in the current ordinance is not sufficiently inclusive and the ordinance contains certain designations or identification of properties that are no longer accurate. Moreover, some properties listed today no longer exist.

So for all the reasons stated previously, non-compliance with state law, new funding opportunities, additional homeowner safeguards, and out of date information, the members of Troy Historic Commission recommend approval of the new ordinance, both to you as homeowners and to Troy City Manager and City Council. We view this as an opportunity to better protect Troy's historic resources, your homes and your financial interest in your piece of Michigan history.

Now let's hear from Mr. Alan Motzny, who will summarize these proposed changes for us. Again, we ask that you hold questions until the end.

(See attached slides from Power Point Presentation)

#### Citizen's Comments

It was the goal of the HDC and Alan Motzny to listen to and record the questions and comments offered by citizens. Alan responded to questions candidly, noting where the language in the ordinance could be further clarified. Questions were answered when that information was clearly available.

William Martin

I'm concerned about the impact of historic designation on resale of home.

Do we need HDC approval to sell?

Why is there no disclosure statement on deeds?

Regarding the list of properties, is not the Church Parsonage Site on Square Lake still designated? Shouldn't it be on the list? (Answer, yes, that omission will be corrected.)

I think the study group is a good idea.

Who will cover the costs of a Study Committee? Does the HDC have a budget? (Answer: The City provides the HDC with a budget each year.)

Planning Commission has not informed HDC of plans in the past.

Laine Meyers

There is no timetable in Sec 14 (a) (establishment of a Study Committee)  
Can City Council sit on this (establishing a Study Committee)

Will all designation on the existing ordinance rollover? Do they have to?

What is the timeline for Council to approve amendments to Chapter 13? (Answer: It could be as early as the next City Council meeting.)

Brian Wattles

I'm concerned about my non historic garage being included in the structures designated historic on my property. Can the Study Committee address this? Can a historic designation be redefined or modified?

Marilyn Miller

How were the current designations determined? How did our house get on the list?

I'm concerned that my house was designated without my approval.

I was never notified of our house having an historic designation. I don't know why it was designated.

(NOTE: following the meeting, Loraine Campbell checked the HDC file on the Miller residence. Marilyn Miller signed an agreement to nominate their residence for historic designation on January 15, 1985.)

Brian Wattles

Perhaps they (Study Committee) can contact those who served on the HDC when these houses were designated if the records are incomplete.

Charlene Harris

I am concerned because I understand it is nearly impossible to get unapproved.

Mary Jane Wattles

Section D (3) says that a district can be eliminated if it was established using defective procedures. What does that mean? Can the term be clarified?

Kevin Lindsey

When we bought our home the owner told us it had historic designation. It has never been a problem. We have not paid any state income tax in 4 years because of the tax credits available because our home restorations.

Laine Miller

What is the timetable for Council to approve the amendments? (Answer: it could be as soon as the next City Council Meeting.)

Maine Meyers

Can you walk through the procedure for opting out of historic designation?

What kind of time limit is there? Is it necessary to retain an attorney?

Bill Martin

Regarding being eliminated from an historic district, after the amendments are adopted I suggest homeowners have a 6-month time frame to get out of historic districts, and those who wish, can stay in.

Charlene Harris:

How did properties on a prior list get off?

Does/did (notes unclear) designation protects property from developers?

What tax incentives are available due to designation?

I've had problems with insurance (claims) following water damage to my home. I want to change insurance companies. I had one company refuse to insure me because the house is so old.

Laine Miller:

What is the next step from here?

Loraine Campbell:

The Museum has the files compiled when the Historic Districts were established. Anyone can call the Museum and make an appointment to review that information. Comments from this evening will be transcribed and sent on to the City Manager. Copies will be mailed to the homeowners.

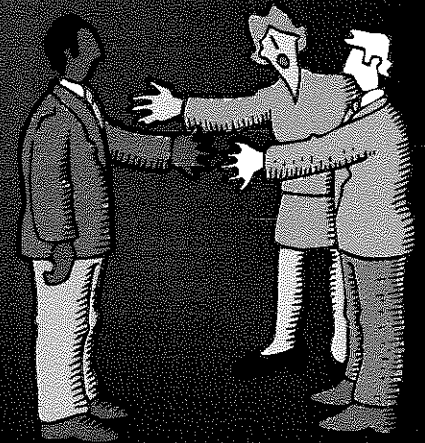


# **HISTORIC PRESERVATION CHAPTER 13, TROY CITY CODE**



# Introduction

- Proposed Amendments to the Troy City Code
- Reasons for proposed changes
- How the proposed changes will effect you
- We want your suggestions and comments





# Reasons for proposed changes

- Ordinance does not comply with State law
- State Law provides safeguards to historic resource owners
- Financial advantages to historic resource owners
- Preserve and protect historic districts
- Clearer and easier to understand

# **Proposed Amendments to Chapter 13, Troy City Code, Historic Preservation**

- Definitions
- Establishment of historic districts
- Powers and duties of HDC
- Notice to Proceed
- Elimination of resale clause
- Appeal procedures
- Establishment of study committee



# Definitions



- Alteration
- Certificate of Appropriateness (COA)
- Commission
- Committee
- Demolition
- Demolition by Neglect
- Historic Landmark
- Historic Resource
- Notice to Proceed
- Open Space
- Ordinary Maintenance
- Proposed Historic District
- Repair
- Resource
- Work

# Establishment of Historic Districts

- Historic Districts are established
- Listed with individual Tax ID Numbers
- Legal Descriptions are now included





# Duties and Powers of Historic District Commission

- Authority to conduct surveys
- Duty to review all applications for permits regarding construction, repair and demolition of exterior features of a historic resource
- Permits shall not be issued until the Commission issues a certificate of appropriateness or a notice to proceed.
- Commission shall follow US Secretary of Interior's standards as to the exterior architectural features in relationship to surrounding area, the compatibility of design, arrangement, texture and materials to be used and any other factors, including aesthetic, deemed pertinent.

## **Duties and Powers of HDC, cont'd**

- Commission shall review exterior features only
- Commission shall try to establish an economically feasible plan
- Commission shall also consider historic value of resource in relationship to surrounding area



# Notice to Proceed

Shall be issued if the proposed work shall improve or correct any of the following conditions:

- A Hazard to the public or occupants, or
- The resource is a deterrent to major improvement program and the applicant has all necessary approvals, or
- Retaining the resource will cause financial hardship, or
- Retaining the resource is not in the interest of the majority of the community.

# HDC may also



- Recommend to City Council certain incentive programs to encourage preservation of landmark buildings.
- Accept grants, loans or aid to be expended for historic preservation and shall be administered in accordance with the City Charter.
- Be appropriated a sum of money in the annual budget for the City of Troy.



# Rules of the Commission

- Basically unchanged....
- Commission shall elect from its membership a chair, vice-chair and secretary at the first meeting each year.
- The Chair shall preside over the commission and have the right to vote.
- The Vice-Chair shall perform the duties of the chair in his or her absence.
- Secretary shall keep accurate record of the proceedings.



# Procedures for Review of Plans

- Application for building permit shall be made to the Director of Building and Zoning and the Director of Building and Zoning shall notify the Commission
- The Commission shall review and approve or disapprove within 60 days, if approved shall issue a certificate of appropriateness or a notice to proceed, if disapproved, shall state why.



## **Procedures for Review of Plans, con't.**

- If an applicant seeks immediate approval to repair, demolish, etc. to prevent a hazard to public or occupants, the Chair of the Commission shall call a special meeting as soon as possible, in compliance with OMA



# Demolition by Neglect



- If a resource is threatened by demolition by neglect, the commission may require the owner to make repairs or if this is not done, the commission may make such repairs to prevent demolition by neglect. The cost will be charged to the owner and levied as a special assessment. Commission, or its agents may not enter the property without obtaining a Circuit Court Order.

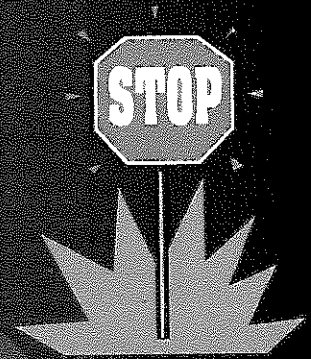


# Proposed Historic District

- City Council may adopt a resolution requiring that all applications for proposed historic districts be referred to the Historic District Commission for review.



# Emergency Moratorium



- City Council may, by resolution, declare an emergency moratorium of all work for a period not to exceed six months if they determine that pending work will cause irreparable harm. The moratorium may be extended if harm still exists.



# Appeals

- A Commission decision may be appealed to the Michigan Historical Commission within 60 days after the decision is furnished to the applicant.
- A decision from the historic preservation review board may be appealed to the Circuit Court.
- A historic district commission decision may be appealed to the circuit court on matters other than permit applications.



# **Establishment, Modification or Elimination of a Historic District**

- City Council shall appoint a Historic District Study Committee. It shall include at least one member of the Historic District Commission and a representative of one other duly organized local historic preservation organization.





# **Duties of Historic District Study Committee**

- Shall conduct photographic inventory of resources
- Shall conduct basic research of each district and resource
- Determine number of historic resources guided by the Secretary of the Interior for inclusion in the National Register of Historic Places
- Prepare a preliminary report
- Transmit copies of report to City Council, Planning Commission, Historic District Commission, Michigan Department of History, Arts and Libraries, Michigan Historical Commission and State Historic Preservation Review Board and make available to public.
- Hold a Public Hearing

# **Actions to be taken by Historic District Study Committee and City Council**

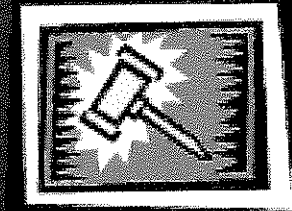
- After the public hearing the study committee shall give a recommendation as to establishing, modifying or eliminating districts.
- Council may pass or reject an ordinance. If passed, City Council shall file with Register of Deeds.



# Elimination of Districts

- When considering elimination of a historic district, the Committee shall hold a public hearing and issue a final report.
- Elimination should be considered when the district has lost physical characteristics that enabled establishment, the district was not significant in the way previously defined or the district was established pursuant to defective procedures.

# Enforcement; Violations



- Historic District Commission, in conjunction with the Director of Building and Zoning shall enforce the ordinances.
- Director of Building and Zoning, or its representative shall issue citations for violation of this chapter.
- Violation of this chapter is a misdemeanor.
- Penalties shall include payment of costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved excavated, or demolished.



# Questions and Answers



November 13, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

Subject: Adoption of Goals

At our study session of November 10, 2003 City Council framed the following goals:

- Minimize cost and increase efficiency of City government
- Retain and attract investment while encouraging redevelopment
- Effectively and professionally communicate internally and externally
- Creatively maintain and improve public infrastructure
- Protect life and property

Once these goals are formally adopted, I'll arrange for individual sessions with Council to discuss a preferred future for the City. Open meeting discussions will then ensue to achieve a consensus on Troy's future vision. After that I'll develop a budget document for Council approval.



A Study Session of the Troy City Council was held Monday, November 10, 2003 at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the meeting to order at 5:35 PM.

---

**ROLL CALL**

**PRESENT:** Mayor Matt Pryor  
Robin Beltramini  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert (Arrived 5:40 PM)  
Jeanne M. Stine

**ABSENT MEMBERS** Cristina Broomfield

**Resolution to Excuse Council Member Broomfield**

Resolution #2003-11-579  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That Council Member Broomfield's absence at the Study Session of November 10, 2003 be excused due to family illness.

Yes: 5  
No: 0  
Absent: Lambert (Arrived 5:40), Broomfield

**MOTION CARRIED**

---

1. **Powerpoint Presentation Relative to Organizational Positives for 2003**
2. **Discussion/Wording of New Goals Initially Discussed at the Planning Session of October 25, 2003**

New Goals:

- Minimize cost and increase efficiency of City government
  - Retain and attract investment while encouraging redevelopment
  - Effectively and professionally communicate internally and externally
  - Creatively maintain and improve public infrastructure
  - Protect life and property
-

Objectives:

- Annually improve strategic plan - Becomes an objective under the effective communication goal
- Enhance the aesthetic environment of the City
- Enhance the civic infrastructure

Additional guiding principle:

- Livability

New goals will be adopted at the November 17, 2003 Regular City Council Meeting.

**3. Discussion on Competing Values Associates with Millage Rate, Level of Service, Capital Planning, and Fund Balance**

Assignments to City Management:

- Review non-essential services
- Review quality of life services
- Review status of TDDA
- Change demographics

**PUBLIC COMMENT**

**ADJOURNMENT AT 8:07 PM**

---

Matt Pryor, Mayor

---

Mary Redden, Office Coordinator

November 17, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 John M Lamerato, Assistant City Manager/Finance and Administration  
 Jeanette Bennett, Purchasing Director  
 Steve Vandette, City Engineer  
 Timothy L Richnak, Public Works Director  
 Gert Paraskevin, Information Technology Director

Subject: Bid Waiver - Data Collection To Implement The Pavement Management System

### **RECOMMENDATION**

The City requests approval to enter into a contract with Stantec Consulting Inc. for data collection services of pavement condition assessment and street signage inventory for an estimated total cost of \$107,787.50 under the same terms and conditions as a contract executed by Oakland County Road Commission in October of 2003 as noted in (**Appendix A**). Project data collection specifics can be found in (**Appendix B**).

### **BACKGROUND**

- As inter-regional competition for road maintenance dollars becomes greater, the role of a pavement management system is quickly becoming the preferred tool to objectively present an argument to obtain road dollars. Oakland County has now recognized the benefits of establishment of a pavement management system by considering it as among key criteria to the local fund allocation process (**Appendix C**).
- The Road Commission for Oakland County (RCOC) contracted Stantec in October 2003 to collect pavement condition data for all county maintained roads to contribute to the development of their own pavement management model. Stantec has agreed to extend the County's negotiated contract price to the City of Troy.
- RCOC has agreed to provide the information collected by Stantec to the Cities, Villages and Townships within its boundaries. This would immediately supply the City of Troy with data on 63 miles of roads within our city limits.
- Council approved the purchase and implementation of a complete Asset Management system including Pavement Management from Hansen Information Technologies in November 2001. To complete the pavement condition data to feed into Hansen, an additional 341 miles would need to be collected to allow the development of a comprehensive pavement management strategy for all city streets.

Utilizing Stantec as the data collection vendor would provide the city with several advantages:

- The City would take advantage of a price structure aimed at a larger project. Comparison to an existing contract utilized by other cities that was competitively bid in 2000, and still in effect, indicates the prices are favorable.

November 7, 2003

To: Honorable Mayor and City Council

Re: Contract Approval – Pavement Management System

- If another vendor were selected to collect the remaining miles of roads, the city could end up with two sets of inconsistent data. Vendors have their own methods and variations that they use for data collection. Interpreting pavement condition can be very subjective. Although instruments are utilized for determination of automobile ride quality and surface attributes like surface roughness and lane rutting, some attributes such as overall pavement condition, is very dependent on the person collecting the data. By maintaining Stantec to collect all city streets within Troy, the city is assured a consistent interpretation of pavement condition system wide, which is also consistent with the County.
- During implementation of the Pavement Management software an interface would have to be developed to import the data to Hansen. Having only one consistent data set will keep conversion costs to a minimum.

The project includes pavement condition assessment and the capture of assets in the right of way via digital video. The only exception to the Oakland County contract will be the addition of video processing to extract specific data. This service was not included in their contract.

### **SUMMARY**

Overall it is believed that there would be no benefit to the City of Troy to bid the collection of pavement condition data. Stantec is providing competitive pricing and a product that is compatible to data being collected throughout the county for the Oakland County Road Commission.

### **BUDGET**

Funds are available in the Department of Public Works Account #401499.7989.150.

## Appendix A

### Fee Estimate

Task	Description	Troy	County Rates
<b>1.0</b>	<b>Project Setup (Network Definition/Routing Maps)</b>  Prepare Routing Maps and segmentation of City's road network to match City supplied GIS - approx 345 survey miles. County road setup under separate contract.	\$3,600.00	\$5,500.00
<b>2.0</b>	<b>Data Collection (Primary Road Network)</b>  Road condition survey on City streets - approx 345 survey miles @ \$95/mile. County road data collected under separate contract.	\$32,775.00	same
<b>3.0</b>	<b>Hansen Upload Requirements</b>  Process road condition data and provide results in a format for upload into the City's Hansen S/W - approx 405miles including County roads @\$10.00/mile	\$4,050.00	NA
<b>4.0</b>	<b>Video Setup and Calibration</b>	\$2,500.00	same
<b>5.0</b>	<b>Digital Video Capture</b>  Digital video collected in conjunction with pavement condition survey - approx 405 survey miles including County roads @ \$20/survey mile	\$8,100.00	same
	Digital video collected on return runs for roads with 3 lanes or less - approx 310 survey miles of City streets @ \$40 /mile.	\$12,400.00	same
<b>6.0</b>	<b>Provision Of AVI files</b>  AVI files provided on DVD ROM's and linked to City's GIS centerline - approx 715 survey miles including County roads @ \$7.50/mile	\$5,362.50	same
<b>7.0</b>	<b>Sign Inventory</b>  Sign Inventory from digital video extraction techniques including x,y locations and MMUTCD codes - approx 30,000 signs.  30,000 signs @ \$1.25/sign  (Note: a unit rate of \$1.40/sign if less than 20,000 signs actually collected)  Supply images of all signs that don't match MMUTCD codes - estimate 3,000 signs @ \$0.50/ image	\$37,500.00      \$1,500.00	Negotiated      NA
<b>ESTIMATED TOTAL COST:</b>		<b>\$107,787.50</b>	

## **Appendix B**

The project will consist of two components, a pavement condition assessment of all city owned streets and secondly a geo-referenced digital video of the Right of Way, which will allow the extraction of features into the cities Hansen Asset Management Software System.

### ***Task 1 – Pavement Condition Assessment***

For large scale data collection including pavement condition surveys Stantec uses its RT 3000 survey vehicle. The vehicle consists of the following sub-systems:

- Roughness measurement devices
- Real-Time Distress keyboard interfaces
- High Resolution Digital Cameras
- Real Time Differential Global Positioning System (GPS)
- Multiple Distance Measurement Units (DMI)
- On board digital storage and backup system
- On board real time monitoring systems

Roughness data will be collected using a certified Class I profilometer (ASTM E950) on the basis of longitudinal roughness profile measurements similar to the Surface Dynamics Profilometer concepts that are the universally accepted industry standard. These standards were mandated by the LTPP program of the US Federal Highways Strategic Highway Research Program (SHRP).

The profile measurement system on the RT 3000 survey vehicle employs 3 different sensing devices in each of the wheel tracks as follows:

1. A laser height sensor (32 kHz) that measures the distance between the vehicle and the pavement surface while the vehicle is traveling at up to posted speed.
2. An accelerometer that measures the vertical acceleration of the vehicle as it bounces in response to the pavement surface profile.
3. The DMI to provide a reference measurement of the vehicle as it transverses the road.

Operating software and post-processing software combine the three measurements, eliminating the effects of vertical vehicle motion and thereby defining the vertical profile of the pavement surface. The longitudinal roughness profile of each wheel track is obtained using an accelerometer and height sensor in each wheel track.

Roughness data is computed from this profile and expressed in terms of the standard International Roughness Index (IRI) expressed as in/mile. IRI measurements obtained by this system match those obtained from other valid Profilometers as well as IRI statistics from rod and level surveys. IRI will be measured in each wheel track separately. An average IRI will also be calculated and provided to the city.

Surface Distress conditions will be collected using 3 degrees of severity and 5 extent categories similar to that used for the US Federal Highways Administration in their long-term pavement performance program (LTPP).

***Task 2 – Capture of Asset Inventory on Geo-Referenced Digital Video***

Stantec will provide digital video for all of the roads included in the above pavement condition survey to allow for a citywide asset inventory and population into the city's Hansen Asset Management Software System.

The use of high definition digital video cameras (Sony DFW-SX900) mounted inside the RT 3000 enables Stantec to provide quality geographically referenced images with a maximum output image size of 1280 x 960 pixels. With a combination of high definition cameras, and real time differential GPS (Global Positioning System) Stantec has the ability to collect quality images with accurate corresponding GPS data ( +/- 1 meter).

Video collected would assist in developing an accurate inventory of all city owned and maintained assets viewable from the street right of way, such as street signs, trees, traffic signals and related infrastructure.

## **Appendix C**

### **OAKLAND COUNTY FEDERAL AID TASK FORCE RRR PROJECT RATING SYSTEM**

---

---

#### **GENERAL INSTRUCTIONS**

In an attempt to address the problem of deteriorating roadway surface conditions in Oakland County, funds have been designated for projects involving Resurfacing, Restoration and Rehabilitation (RRR) of existing pavement surfaces. This Rating System has been developed to rate and compare these type of projects.

If more extensive improvements such as full depth asphalt or concrete replacement are being done, please rate the project using the regulator STP Rating System (for safety related improvements) or Category "C" Rating System (for capacity improvements) as appropriate.

This RRR Rating System is to be used to rate proposed RRR projects in Oakland County. To be eligible for consideration the following must apply:

- ☐ The project must be on a road segment shown on the National Classification Map as a rural major collector or an urban collector or higher and may not be a county Local or city Local street.
- ☐ The community having jurisdiction over the road must have in place a pavement management system capable of rating and ranking pavement conditions as required by Federal legislation.
- ☐ The segment proposed for improvement must be recommended by that community's pavement management system.

**Also, the following documentation *to be submitted with this application*:**

- ☐ Map showing location of the project.
- ☐ Your community's official Truck Operator's Map indicating all weather rating of segment.
- ☐ SMART Transit Route Map.
- ☐ Traffic Classification Study indicating percent of heavy trucks and busses.
- ☐ 24-hour traffic volume count, not more than 3 years old.
- ☐ PACE (Project Activities Cost Estimate) Form for RRR Projects.

All improvements and corrective actions for which points are taken shall be reflected as cost entries on the RRR PACE form unless the improvement will be 100% locally funded. If an improvement is to be locally funded, please make a note of this in the appropriate place on the PACE form.



**DIGITAL VIDEO:  
PAVEMENT CONDITION ASSESSMENT  
AGREEMENT  
STANTEC CONSULTING, INC.**

THIS AGREEMENT, dated the \_\_\_\_ day of \_\_\_\_\_, 2003, by and between the City of Troy, a Michigan Municipal Corporation, with offices at 500 West Big Beaver Road, Troy, MI 48084 (hereafter the "CITY") and Stantec Consulting, Inc., an Arizona corporation, with principal offices at 150 Lawrence Bell Drive, Ste 108, Amherst, NY 14221 (hereafter CONSULTANT) provides as follows:

WHEREAS, as part of implementation of the CITY's asset management strategy, the CITY plans a survey of the pavement condition of certain roads for its Pavement Management System and Digital Video Capture and Sign Data Extraction of certain roads for use with the CITY's on-going asset management practices, hereinafter referred to as the "PROJECT"; and

WHEREAS, in furtherance of the PROJECT, the parties intend that the CONSULTANT perform services as more particularly described below, said work to be hereinafter referred to as the "SERVICES."

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is hereby agreed between the parties as follows:

**1. SERVICES**

The CONSULTANT shall provide SERVICES more fully set forth in it's proposal, attached hereto as Exhibit A, hereby incorporated by reference herein.

**2. Documents**

Upon completion or termination of this AGREEMENT, all documents prepared by the CONSULTANT, including reports, tracings, drawings, estimates, specifications, notes, investigations, data, studies, etc., including electronic drawings and data files, as instruments of SERVICE shall become the property of the CITY. CONSULTANT shall submit copies of all the above to the CITY.

**3. Audit**

The CONSULTANT shall follow standard accounting practices and permit representatives of the CITY to audit and inspect its PROJECT books and records at any reasonable time. Such records are to be kept available for three (3) years from the date of the final payment for work conducted under this AGREEMENT.

**4. Time for Completion**

The CONSULTANT shall have sufficient qualified personnel available in order to completed the SERVICES as described in the proposal. All work shall be completed within one (1) year from the date of execution of this AGREEMENT, unless time for completion is extended in writing by the CITY.

**5. Project Manager**

**A.** The CITY will appoint a Project Manager to coordinate the PROJECT, and direct the work of CONSULTANT, as required.

**B.** The Project Manager shall furnish for the use of CONSULTANT, the CITY's standards for the SERVICES performed and such other information as may be needed in a particular instance, in order to meet the CITY's specific objectives relative to the PROJECT.

**6. Contract Price**

For and in consideration of the SERVICES rendered by CONSULTANT, the CITY will pay the CONSULTANT on a task basis and unit price per mile basis an amount not to exceed One Hundred and Seven Thousand, Seven Hundred Eighty Seven Dollars and Fifty Cents (\$107,787.50) as more particularly set forth in Exhibit A, attached hereto and incorporated herein.

**7. Payment for SERVICES**

The CITY shall make payments to the CONSULTANT in accordance with the following procedures, and upon approval of the PROJECT MANAGER.

**A.** Partial payments will be made upon the submission by the CONSULTANT of a billing; accompanied by such evidence of progress as may be required by the CITY. Payment will be made within forty-five (45) days of approval of the invoice. Partial payments shall be made no more frequently than once a month. Payment of invoices pursuant to this section shall not constitute a waiver by the CITY of any violation of any terms of this AGREEMENT.

**B.** Final billing under this AGREEMENT shall be submitted in a timely manner but not later than five months after completion of the SERVICES. Billings for work submitted later than five months after completion of SERVICES will not be paid.

**8. Termination**

The CITY may terminate this AGREEMENT for substantial breach, failure, default or omission, or for unsatisfactory performance. Notice of termination shall be accomplished by giving written sixty (60) day notice by certified mail, including the reason for the termination. The other party shall have sixty (60) days to correct said breach, default, omission or unsatisfactory performance. Each party may seek any and all remedies against the other party. The CITY, at its option, may receive the work product produced by this AGREEMENT up to the time of termination provided the CITY agrees to reimburse the CONSULTANT for the cost incurred to produce said work product. Such payment to the CONSULTANT or receipt of the work product by the CITY will not be considered as a waiver, bar or estoppel to any claim or defense either party may have.

**9. Payment after Termination**

If SERVICES or any part thereof, are terminated prior to the completion, the CITY shall pay the CONSULTANT as follows:

**A.** Pay the CONSULTANT an amount representing work satisfactorily performed up to the time of termination.

**B.** In no case shall the compensation paid to the CONSULTANT for SERVICES, or any part thereof, exceed the amount the CONSULTANT would receive had the SERVICES, or the terminated portion thereof, been completed.

**10. Subcontracting**

No portion of the PROJECT SERVICES, heretobefore defined, shall be subcontracted, assigned, or otherwise disposed of except as herein provided or with the prior written consent of the Project Manager. Consent to be sublet, assign or otherwise dispose of any portion of the SERVICES shall not be construed to relieve the CONSULTANT of any responsibility for the fulfillment of this AGREEMENT.

**11. Disputes**

The parties agree to engage in negotiations regarding any disputes, in accordance with the provisions in this AGREEMENT.

All questions which may arise as to the quality and acceptability of work, the manner of performance and rate of progress of the work, the interpretation of designs and specifications, and as to the satisfactory and acceptable fulfillment of the terms of this AGREEMENT shall be decided by the CITY acting reasonably.

Should negotiations not resolve the dispute the parties shall retain their remedies at law and equity concerning the dispute.

Provided, however, the CONSULTANT shall proceed with the SERVICES as directed by the Project Manager during negotiations regarding any dispute.

**12. Compliance with Applicable Laws and Regulations**

The CONSULTANT specifically agrees that it will comply with any and all applicable State, Federal, and Local statutes, ordinances, and regulations, and with CITY regulations during performance of the SERVICES and will require compliance of all subconsultants and subcontractors.

Additionally, the CONSULTANT shall comply with the following:

In accordance with Michigan 1976 PA 453, the CONSULTANT hereto agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, national origin, age, sex, height, weight or marital status. Further, in accordance with Michigan 1976 PA No. 220, as amended, the parties hereby agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a

matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

The CONSULTANT further agrees that it will require all subconsultants and subcontractors for this PROJECT comply with this provision.

**13. Delays**

No charges or claims for damages shall be made by the CONSULTANT for delays or hindrances from any cause whatsoever during the progress of any portions of the SERVICES specified in this AGREEMENT, except as hereinafter provided.

**A.** In case of a substantial delay on the part of the CITY in providing to the CONSULTANT either the necessary information or approval to proceed with the work, resulting, through no fault of the CONSULTANT, in delays of such extent as to require the CONSULTANT to perform its SERVICES under changed conditions not contemplated by the parties, the CITY will consider supplemental compensation limited to increased costs incurred as a direct result of such delays. Any claim for supplemental compensation must be in writing and accompanied by substantiating data. Authorization of such supplemental compensation shall be by amendment to this AGREEMENT.

**B.** When delays are caused by circumstances or conditions beyond the control of the CONSULTANT as determined by the CITY, the CONSULTANT may be granted an extension of time for such reasonable period as any be mutually agreed upon between the parties, it being understood, however, that the permitting of the CONSULTANT to proceed to complete the SERVICES, or any part of them, after the date to which the time of completion may have been extended, shall in no way operate as a waiver on the part of the CITY of any of its rights herein set forth. The project manager may confirm an extension pursuant to this sub-paragraph by written response to the CONSULTANT's written request.

**14. Changes**

Any change in SERVICES to be performed by the CONSULTANT involving extra compensation must be authorized in writing by the CITY prior to the performance thereof by the CONSULTANT and requires an amendment to this AGREEMENT.

**15. Compensation for Changes**

In case the CONSULTANT deems extra compensation will be due it for work or materials not clearly covered in this AGREEMENT, or not ordered by the CITY as a change, or due to changed conditions, the CONSULTANT shall notify the CITY in writing of its intention to make claim for such extra compensation before beginning such work. Failure on the part of the CONSULTANT to give such notification will constitute a waiver of the claim for such extra compensation. The filing of such notice by the CONSULTANT shall not in any way be construed to establish the validity of the claim. Such extra compensation shall be provided only by amendment to this AGREEMENT.

**16. Indemnification and Insurance**

**A.** The CONSULTANT shall hold harmless, represent, defend and indemnify the CITY OF TROY, its officers and employees, and any agencies participating in the PROJECT Funding, against all claims for damages to public or private property and/or for injuries to persons, or for any other claims arising out of the negligent performance or non-performance of the contracted work, whether during the progress and/or after the completion thereof.

**B.** Subsection A above shall be modified for claims arising from professional errors or omissions only as set forth in this subsection.

For claims involving professional errors or omissions only by CONSULTANT, the CONSULTANT shall hold harmless and indemnify the CITY OF TROY, its officers, employees, and any agencies participating in the PROJECT Funding, against all claims for damages to public or private property and/or for injuries to persons, or for any other claims, arising out of the negligent performance or non-performance of the contracted work or breach of this AGREEMENT, whether during the progress and/or after the completion thereof.

**C.** Further, the CONSULTANT shall acquire and maintain statutory workers' compensation insurance coverage, auto liability, commercial general liability insurance coverage and professional liability insurance coverage. The limits and deductible applicable to both commercial general liability and professional liability shall be as described in the attached Exhibit B.

The CONSULTANT shall provide an endorsement to its commercial general liability insurance and auto liability, including any excess and umbrella insurance in the amounts set forth in Exhibit B, naming the CITY OF TROY as additional insured.

Certificates of insurance for each policy, providing for 30 days notice to the CITY of cancellation, termination or material change, shall be provided to the CITY.

**D.** The CONSULTANT shall require all subconsultants to comply with the insurance provisions set forth in this section.

**17. Completion**

This AGREEMENT shall be deemed complete upon advisement to the CONSULTANT by the CITY that the SERVICES are completed and accepted by the CITY.

**18. Disclaimer**

Any approvals, acceptances, reviews, and inspections of any nature by the CITY shall not be construed as a warranty or assumption of liability on the part of the CITY. It is expressly understood and agreed that any such approvals, acceptances, reviews, and inspections are for the sole and exclusive purposes of the CITY, which is acting in a governmental capacity under this AGREEMENT, and that such approvals, acceptances, reviews and inspections are a governmental function incidental to the SERVICES under this AGREEMENT.

Any such approvals, acceptances, reviews, and inspections by the CITY will not relieve the CONSULTANT of its obligations hereunder, nor are such approvals, acceptances, reviews and inspections by the CITY to be construed as a warranty as to the property of the CONSULTANT's performance, but are undertaken for the sole use and information of the CITY.

**19. Government Function**

It is declared that the work performed under this AGREEMENT is a governmental function. It is the intention of the parties hereto that this AGREEMENT shall not be construed to waive the defense of governmental immunity held by the CITY.

**20. Third Parties**

This AGREEMENT is not for the benefit of any third party.

**21. Applicable Law, Venue**

In interpretation of this AGREEMENT the laws of the State of Michigan shall apply. Venue shall be in the, County of Oakland, State of Michigan.

**22. Entire Agreement**

This AGREEMENT (including the Exhibits hereto and documents incorporated by reference) sets forth the entire AGREEMENT and understanding of the parties with respect to SERVICES, and supersedes all prior agreements, arrangements, understandings, communications, written and oral, related to the subject matter hereof.

This AGREEMENT may be amended or modified only by written instrument, signed by authorized representatives of the parties.

**23. Severability**

The invalidity of any portion of this AGREEMENT shall not affect the enforceability of the remaining portions of this AGREEMENT, and in the event that portions of this AGREEMENT shall be declared invalid, this AGREEMENT shall be construed as if such invalidated portion had not been inserted.

**24. Execution**

Upon execution of this AGREEMENT by the parties hereto, same shall become binding upon the parties hereto, their successors and assigns, until such time as all work contemplated hereunder is complete, or until such time as this AGREEMENT is terminated by mutual consent of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals by their duly authorized agents and representatives the day and hear first above written.

**STANTEC CONSULTING INC.**

an Arizona Corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

**THE CITY OF TROY**

By: \_\_\_\_\_

Its: \_\_\_\_\_



**Stantec**

# Exhibit A

Nov 11, 2003,  
File: 620-85000

The City of Troy  
500 West Big Beaver Road  
Troy, MI 48084

**Attention: Mr. Alex Bellak**

**Reference: Pavement Condition Assessment and Capture of Digital Video and Sign Data Extraction**

## **Pavement Condition Assessment**

The City of Troy is requesting that approximately 405 survey miles of City roads be surveyed to determine the overall condition these roads are in. The condition survey consists of rating the City roads based on two parameters. These parameters are Roughness and Surface Distress.

For large scale data collection including pavement condition surveys Stantec uses its RT 3000 survey vehicle. The vehicle consists of the following sub-systems:

- Roughness measurement devices
- Real-Time Distress keyboard interfaces
- High Resolution Digital Cameras
- Real Time Differential Global Positioning System (GPS)
- Multiple Distance Measurement Units (DMI)
- On board digital storage and backup system
- On board real time monitoring systems



**Reference: Pavement Condition Assessment and Capture of Digital Video**

Roughness data will be collected using a certified Class I profilometer (ASTM E950) on the basis of longitudinal roughness profile measurements similar to the Surface Dynamics Profilometer concepts that are the universally accepted industry standard. These standards were mandated by the LTPP program of the US Federal Highways Strategic Highway Research Program (SHRP).

The profile measurement system on the RT 3000 survey vehicle employs 3 different sensing devices in each of the wheel tracks as follows:

1. A laser height sensor (32 kHz) that measures the distance between the vehicle and the pavement surface while the vehicle is traveling at up to posted speed.
2. An accelerometer that measures the vertical acceleration of the vehicle as it bounces in response to the pavement surface profile.
3. The DMI to provide a reference measurement of the vehicle as it transverses the road.

Operating software and post-processing software combine the three measurements, eliminating the effects of vertical vehicle motion and thereby defining the vertical profile of the pavement surface. The longitudinal roughness profile of each wheel track is obtained using an accelerometer and height sensor in each wheel track.

Roughness data is computed from this profile and expressed in terms of the standard International Roughness Index (IRI) expressed as in/mile. IRI measurements obtained by this system match those obtained from other valid Profilometers as well as IRI statistics from rod and level surveys. IRI will be measured in each wheel track separately. The IRI values will be supplied at 100ft intervals.

Surface Distress conditions will be assessed based on the criteria for various distress types as defined in the PAVER methodology for Roads and Parking Lots. The surface distress data collected will be representative for up to 3 lanes of the road surface, however the IRI data will be for the traversed lane only. Any roads consisting of 4 or more lanes in any given direction will be surveyed in multiple or return passes and will be considered in the overall survey mileage to be collected.

The following tables identify the distresses to be rated and the severity and the units of measure for each distress type. Severity level 1 represents no distress and severity level 5 represents a total pavement surface failure. The distress data will be supplied on the identical 100ft interval as the roughness data.

Reference: Pavement Condition Assessment and Capture of Digital Video

### Flexible Pavement Ratings

Flexible Surface Observation Codes Definition				
Observation			Degree/ Severities	U M
Code	Description	Group		
ALG	ALLIGATOR	CRACK	1,2,3,4,5	%A
BLK	BLOCK CRACKING	CRACK		%A
CURB	CURBS	DEFECT		%L
DIS	DISTORTION	DEFORM		%A
EDG	PAVEMENT EDGE	CRACK		%L
EXC	EXCESSIVE CROWN	DEFECT		%L
LON	LONGITUDINAL	CRACK		LEN
PAT	PATCHING	DEFECT		%A
RIP	RIPPLING & SHOVING	DEFORM		%A
RUT	WHEEL TRACK RUTTING	DEFORM		%L
TRN	TRANSVERSE	CRACK		CNT

### Rigid Pavement Ratings

Code	Description	Group	Degree/Severities	UM
PAT	PATCHING	DEFECT	1,2,3,4	%A
SCA	SCALING	CRACK	1,2,3,4	%A
DIS	DISTORTION/FROST HEAVE/DEPRESSION	DEFORM	1,2,3,4	%A
CNR	CORNER 'C' CRACKING	CRACK	1,2,3,4	CNT
DUR	DURABILITY 'D' CRACKING	CRACK	1,2,3,4	CNT
JSL	JOINT SEALANT LOSS	DEFECT	1,2,3,4	%C
LINTRN	LINEAR OR TRANS CRACKING	CRACK	1,2,3,4	CNT
SPA	JOINT SPALLING	DEFECT	1,2,3,4	%C
FLT	JOINT FAULTING/ STEPPING	DEFORM	1,2,3,4	%C
CURB	CURBS	DEFECT	1,2,3,4	%L
BLK	BLOCK CRACKING	CRACK	1,2,3,4	%A

**Stantec**

%C represents Percent Count (Defective Count / Total Count \* 100)

**Reference: Pavement Condition Assessment and Capture of Digital Video**

**Hansen Upload**

The collected condition data will be processed and undergo a Quality Assurance review by Stantec. The data will then be uploaded into the City's Hansen pavement management software. As a result, the City, through their Hansen representative, will provide Stantec with the required file formats for the Hansen upload. Due to the proprietary software agreements, the upload into Hansen will be the responsibility of the City again through their representative at Hansen.

**Capture of Digital Video**

Stantec will provide the City digital video (AVI format) for all of the roads included in the above pavement condition survey.

The use of high definition digital video cameras ( Sony DFW-SX900) mounted inside the RT 3000 enables Stantec to provide quality images with a maximum output image size of 1280 x 960 pixels. With a combination of high definition cameras, and real time differential GPS (Global Positioning System) Stantec has the ability to collect quality images with accurate corresponding GPS data ( +/- 1 meter).

Stantec will provide the County with the AVI's extracted from the digital video on DVD-ROM's. The digital video will be split and referenced to the City's ESRI GIS centerline coverage to provide the City with the ability to view the video for the associated road segments.

The survey mileage for the digital video capture will include the same mileage as in the pavement condition survey. In addition, digital video will be required on all County roads in the City of Troy as well as the opposite direction for those City roads that contain 3 lanes or less. Only one direction was surveyed in the original pavement condition survey.

**Sign Data Extraction From Digital Video**

With the use of Trident 3-D<sup>®</sup> software ([www.geo-3D.com](http://www.geo-3D.com)), coupled with GPS, the digital video images collected from the RT 3000 are viewed in office to generate a complete and accurate asset inventory. In general, City assets such as signs, sidewalks, curbs, and trees can all be identified from the video images and extracted into a database with geo-referenced coordinates. In addition, each asset is observed and assigned attribute data such as asset type, measurements, condition, and offset.

Nov 11, 2003  
Mr. Alex Bellak

**Reference: Pavement Condition Assessment and Capture of Digital Video**

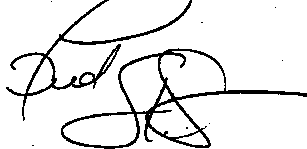
By utilizing known calibration data of all on-board systems (Camera orientation relative to the GPS unit), it is possible to obtain X, Y, and Z coordinates for the respective assets within the each collected image frame. This is accomplished through the Trident 3-D<sup>®</sup> software by analyzing two sequential images at the same point (i.e. base of a support) and through stereoscopic technology, an accurate coordinate can be derived for that point.

In this regard, Stantec will collect approximately 30,000 signs in the City of Troy. Each sign will be assigned an X,Y GPS location for spatial referencing in the City's GIS coverage. In addition each sign will be assigned the proper MMUTCD code. For any sign that does not match the MMUTCD coding, Stantec will generate a digital image (JPEG) of each sign for the City to review and determine a coding standard of their own. The final deliverable format will be an ESRI shapefile.

Attached is a fee schedule to perform the above scope. I trust that the information presented will suit your needs. Please do not hesitate to contact me at 519-585-7340 if you have any questions.

Sincerely,

**STANTEC CONSULTING**



Fred Stephenson  
Program Manager  
Infrastructure Management  
& Pavement Engineering

Reference: Pavement Condition Assessment and Capture of Digital Video

**City of Troy Fee Schedule**

<b>Task</b>	<b>Description</b>	<b>Cost</b>
<b>1.0</b>	<b>Project Setup (Network Definition/Routing Maps)</b>  Prepare Routing Maps and segmentation of City's road network to match City supplied GIS - approx 345 survey miles. County road setup under separate contract.	\$3,600.00
<b>2.0</b>	<b>Data Collection (Primary Road Network)</b>  Road condition survey on City streets - approx 345 survey miles @ \$95/mile. County road data collected under separate contract.	\$32,775.00
<b>3.0</b>	<b>Hansen Upload Requirements</b>  Process road condition data and provide results in a format for upload into the City's Hansen S/W - approx 405miles including County roads @\$10.00/mile	\$4,050.00
<b>4.0</b>	<b>Video Setup and Calibration</b>	\$2,500.00
<b>5.0</b>	<b>Digital Video Capture</b>  Digital video collected in conjunction with pavement condition survey - approx 405 survey miles including County roads @ \$20/survey mile	\$8,100.00
	Digital video collected on return runs for roads with 3 lanes or less - approx 310 survey miles of City streets @ \$40 /mile.	\$12,400.00
<b>6.0</b>	<b>Provision Of AVI files</b>  AVI files provided on DVD ROM's, split and referenced to City's GIS centerline - approx 715 survey miles including County roads @ \$7.50/mile	\$5,362.50
<b>7.0</b>	<b>Sign Inventory</b>  Sign Inventory from digital video extraction techniques including x,y locations and MMUTCD codes - approx 30,000 signs.  30,000 signs @ \$1.25/sign  (Note: a unit rate of \$1.40/sign if less than 20,000 signs actually collected)  Supply images of all signs that don't match MMUTCD codes - estimate 3,000 signs @ \$0.50/ image	\$37,500.00       \$1,500.00

**TOTAL \$107,787.50**

# Exhibit B

## LIABILITY AND INSURANCE REQUIREMENTS

The CONSULTANT, prior to beginning work, shall file with the CITY OF TROY copies of completed certificates of insurance, as evidence that he carries adequate insurance, satisfactory to the CITY. The CITY shall be named as an additional insured on the Certificate of Insurance. Insurance coverage shall be provided in accordance with the following:

**A.** Worker's Compensation Insurance – To provide protection for the CONSULTANT'S employees, to the statutory limits of the State of Michigan, and \$100,000 employer's liability. The indemnification obligation under this section, shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the CONSULTANT under worker's disability compensation coverage established by law.

**B.** Bodily Injury and Property Damage – To afford protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operation for one year, after completion of the work.

i. Bodily Injury and Property Damage Liability:

Each Occurrence: \$2,000,000

Aggregate: \$2,000,000

ii. Bodily Injury Liability and Property Damage Automobiles (Comprehensive Auto Liability) – The minimum limits of bodily injury liability and property damage liability shall be:

Single Limit; Bodily Injury and Property Damage Liability:

Each Occurrence: \$2,000,000

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

**C.** Professional Liability (Errors and Omissions) – To afford professional liability protection against all claims arising out of the work. The minimum limits of professional liability shall be \$2,000,000. However, policies are subject to review by the CITY OF TROY prior to beginning work.

**D.** Excess and Umbrella Insurance – The CONSULTANT may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.

**E.** Notice – The CONSULTANT shall not cancel, reduce or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the CITY OF TROY. All such insurance must include an endorsement whereby the insurer shall agree to notify the CITY OF TROY immediately of any reduction by the CONSULTANT. The CONSULTANT shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the CONSULTANT cannot secure the required insurance within 30 days, the Board reserves its right to terminate the contract.

**F.** Reports – The CONSULTANT or his insurance carrier shall report all claims received, claims investigations made and disposition of claims to the CITY OF TROY Engineer.



Call to Order

The regular meeting was called to order at 7:03 p.m. in Conference Room C at City Hall.

Roll Call

Present:	Richard Hughes	Monika Sata
	Penny Marinos	Fan Lin
	Brian Wehrung	
	Cindy Stewart	
	Dick Minnick	

Excuse Absent Members

Kent Voigt, Jerry Bixby and Shazad Butt

Introduction

Fan Lin, Student Rep, Junior at International Academy this fall. Resident of Troy for 6 years.

Bryan presented a certificate of appreciation to Monika Sata for her service to CATV as a student rep during this past year. She will attend Michigan in the fall.

Approval of Minutes

Motion to approve minutes of May 1, 2003 by Hughes, second by Minnick.  
Approved unanimously.

Correspondence

- A. WOW – addition of new services effective June 9, 2003
- B. COMCAST – changes to equipment charges – member comment - seems like every meeting Comcast has price increases for something.

Old Business

- A. Cable Complaint Logs  
Marinos, Minnick and Sata did not see their complaints listed.

Minnick: January – March channel 4 had double images; Marinos: channel 9 problems in May. Sata: fuzzy picture in June. Marinos and Minnick's problem still has not been taken care of. Marinos - serviceman out, problem not taken care of. Minnick – Serviceman out, problem not resolved. Told him that someone else

would come out, but never did. Three weeks later he called and they had no record of original call and visit.

Wehrung: February/March had a Comcast complaint not on the books

Board would like Cable company to follow up with all service complaints in a more professional manner. Can they give customer a service number so customer can refer back? Would be nice to get a letter saying the problem has been resolved.

WOW – 1<sup>st</sup> and 2<sup>nd</sup> quarter - Grade B

1<sup>st</sup> quarter – other than customer on hold for 3 hours, handled all complaints in a very reasonable timeframe. Out of 17 problems 1<sup>st</sup> quarter, 8 cable related, 9 internet.

2<sup>nd</sup> quarter – April – 3 out of 7 cable problems

May – 2 out of 9 cable problems

June – 1 out of 13 cable problems

14 cable problems identified from 1<sup>st</sup> and 2<sup>nd</sup> quarter – all resolved relatively quickly.

COMCAST – 3<sup>rd</sup> month of the 1<sup>st</sup> quarter & 2<sup>nd</sup> quarter – Grade B+

March - 3 cable problems

April 8 - cable problems

May 2 - cable problems

June 4 - cable problems

Board agrees that both Cable Companies need to explain how they selected these customers. Is this all complaints? Does not appear to be since four members' complaints are not listed. What constitutes complaint on this log? What system problems are there? Can we get a monthly list?

## New Business

### A. CATV Mission Statement

Committee suggested making revisions but tabled until October 2003 meeting

### B. Consider committee name change from CATV Advisory Committee to Cable Advisory Committee (CAC) at the October meeting. Reminder via e-mail to everyone regarding name change consideration.

### C. CMN Report – CMN contract up December 2004 – Community to watch public access and evaluate programming. Send comments to Cindy Stewart. Ask CMN to add CATV committee on their mailing list for newsletter.

### D. Change to member list Fan's email – Darknezz @ Comcast.net

E. WTRY Cable Guide July and August

F. ICCA meeting minutes

Motion to adjourn by Mariono, second by Sata. Meeting adjourned at 9:02 p.m.

**TROY HISTORIC COMMISSION MINUTES – FINAL****AUGUST 26, 2003**

A Regular Meeting of the Troy Historic Commission was held Thursday, August 26, 2003 at the Troy Museum & Historic Village. Rosemary Kornacki, Chairman, called the meeting to order at 7:35 P.M.

**ROLL CALL**

**PRESENT:** Rosemary Kornacki  
 Brian Wattles  
 Terry Navratil  
 Kevin Lindsey  
 Jack Turner  
 Loraine Campbell, Museum Manager  
 Brian Stoutenburg, Library Director

**ABSENT:** Ed Bortner  
 Roger Kaniarz

Due to personal commitments Bortner and Kaniarz were unable to attend.

**Resolution #HDC-2003-08-001****Moved by Wattles****Seconded by Lindsey****RESOLVED, That the absence of Bortner and Kaniarz be excused.**

Yes: 5 — Kornacki, Wattles, Navratil, Lindsey, and Turner

No: 0

**MOTION CARRIED**

Reviewed the July 22, 2003 Troy Historic Commission Minutes be approved.

**Resolution #HDC-2003-08-002****Moved by Lindsey****Seconded by Turner****RESOLVED, That the minutes of June 17, 2003 be approved.**

Yes: 5 — Kornacki, Wattles, Navratil, Lindsey, and Turner

No: 0

**MOTION CARRIED**

## **OLD BUSINESS**

### **A. Church Parsonage Status**

The Church and Parsonage were successfully relocated to the Historic Village on August 20, 2003. There were no significant problems during the move. One hundred families southeast of the Long lake and Livernois intersection were notified they would lose power during the move. That power outage lasted less than 30 minutes. T Birds Restaurant was provided with a generator for that period.

The Square Lake Road site construction fence was reinstalled the afternoon of the move. The City has posted "No Trespassing" signs to dissuade souvenir seekers. Gerald Yurk Associates is obtaining bids for demolition and site recovery. Yurk will meet with Ron Hynd (City Landscape Analyst) to coordinate Parks and Recreation requests for site recovery.

Loraine met with an archeology instructor for Oakland University to arrange for her class to survey the site to recover artifacts before demolition and recovery are completed. The site is very disturbed following the activities of the house movers, but some items have already been recovered.

Construction fences are being installed at the east (Livernois) end of the Historic Village site. Public interest following the move has been very high. In the days following the move, hundreds of cars have pulled into the Museum driveway to view the buildings. Pedestrians have also walked on to the site. The masons have begun laying the foundation walls. The rough carpenters are re-measuring the cupola and taking molding samples to ensure accurate reconstruction.

Press reports regarding the move have been positive. Channel 4 did focus on negative aspects of traffic congestion and power outages on Tuesday. However, their Wednesday coverage was very positive.

### **B. Capital Projects**

#### **Caswell Restoration:**

The front steps and basement support wall are finished. Prices have been obtained for the plasterwork, door hardware and carpentry work on the interior. POs will be issued within two weeks. Included in the woodwork contract are new railings for the Print Shop Porch. Remaining work includes, interior paint and wallpaper and refinishing the floors.

#### **Building Painting:**

Downriver Maintenance Corp. is being awarded the contract to paint the General Store, Print Shop and Troy hall. The cost is \$15,880. Council will approve the contract in September. The work will be completed by the end of October.

#### **Electrical Upgrades:**

Three prices have been obtained for developing specifications for electrical upgrades. They range from \$7,500 to \$3,250. Loraine is meeting with Steve Pallotta to review each of the proposals to determine the best choice.

Sign:

A new vendor has been found to make the repairs to the front sign at a cost of \$2,600. This PO is being processed. The Garden Club will continue their support of \$2,100 with the City paying the balance.

Two additional small signs have been ordered. One sign will be placed next to the front door. It indicates the hours of the Museum. A second sign will be attached to the side gate, directing patrons to the front door. Both signs indicate the Museum is a smoke free facility.

#### C. Programs

See attached repots.

The new Education Program brochure (provided to commission members) was mailed to schools in mid August. Marty Peterson, the Elementary Social Studies Curriculum coordinator is strongly encouraging all Troy teachers grades K-4 to participate in specific programs at the Museum:

Cheddar's History Trunk	Kindergarten
Children's Chores	1 <sup>st</sup> Grade
Poppleton School	2 <sup>nd</sup> Grade
Field Day	3 <sup>rd</sup> Grade
Hunting for History	4 <sup>th</sup> Grade

Teacher response has been high. We are anticipating a higher percentage of Troy schools attending Museum programs this year. Loraine also spoke at the Library's annual breakfast for Media Specialists.

Public Programs for Winter 2004 are being developed and will be submitted to Community Affairs for Troy Today in mid September.

#### D. Intern Report

Both summer interns have completed their work. Jeff Berryhill's efforts at Crooks Road Cemetery were exceptional.

### **OLD BUSINESS**

#### **A. Troy Historical Society Liaison Report**

The Historical Society's Annual meeting will be September 9, 2003. They are inviting residents who owned homes with local historic designation.

The Troy Heritage Campaign is continuing their efforts. They have received a donation to cover the entire cost of the steeple. They are also looking seriously at options for a barn to relocate to the Historic Village in 2004.

**B. Civic Center Priority Task Force:**

No report.

**C. New Acquisitions:**

See attached report.

**D. HDC Nominations:**

Muriel Rounds has resigned from the Historical Commission to fill the vacancy on the Historic District Commission. Terry Navratil has been formally appointed to fill her vacancy on the Historical Commission.

**E. Staff:**

Loraine, Jeanette Menig (Human Resources) and Hedy Brodak from the Library interviewed applicants for the four open Museum Aide positions. Four applications were hired. They include three interpreters: Karen Koch, Jeanetta Miller and Darrien Howze and one Archive Tech, Julie Davidson. Loraine is working with staff to compile new orientation packets. All four employees will begin work on September 2.

The Troy Historic Commission Meeting was adjourned at 9:15 p.m. The next regular meeting will be held Tuesday, September 23, 2003 at 7:30 p.m. at the Troy Museum & Historic Village.

---

Rosemary Kornacki  
Chairman

---

Loraine Campbell  
Recording Secretary

A Regular Meeting of the Troy Daze Advisory Committee was held Wednesday, September 3, 2003, at the Troy Community Center. ~~Bob Berk~~ Jim Cyrulewski called the Meeting to order at 8:31P.M.

## ROLL CALL

PRESENT: Bill Hall  
Jim Cyrulewski  
Robert Preston  
Cheryl Whitton Kaszubski  
Cele Dilley  
Kessie Kaltsounis

ABSENT: Bob Berk  
Sue Bishop  
Jessica Zablocki

Resolution TD-2003-09-008  
Moved by Whitton Kaszubski  
Seconded by Kaltsounis

RESOLVED, That Jessica, Sue, and Bob be excused due to illness.

Yes: All-6

MOTION CARRIED

---

## 1. APPROVAL OF AUGUST 19, 2003 MINUTES

Resolution TD-2003-09-009  
Moved by Hall  
Seconded by Dilley

RESOLVED, That the August 19, 2003 minutes be accepted as submitted.

Yes: All-6

MOTION CARRIED

---

## OLD BUSINESS

### 1. MFEA CONVENTION ATTENDEES

Travel request forms and convention information have been distributed and need to be submitted as soon as possible.



---

**NEW BUSINESS**

**1. APPOINTMENT OF MAGIC OF FALL/TROY DAZE FESTIVAL  
COMMITTEE MEMBERS**

Resolution TD-2003-09-010

Moved by Kaltsounis

Second by Whitton-Kaszubski

RESOLVED, That Kate Jones be appointed as Rotary Pancake Breakfast Chairperson and Robert Dionisio as Operations Assistant.

Yes: All-6

MOTION CARRIED

Meeting adjourned at 8:44P.M.

---

BOB BERK, COMMITTEE CHAIRMAN

---

JOY KOEGLER, Recording Secretary

**TROY HISTORIC COMMISSION MINUTES – DRAFT****SEPTEMBER 23, 2003**

A Regular Meeting of the Troy Historic Commission was held Tuesday, September 23, 2003 at the Troy Museum & Historic Village. Rosemary Kornacki, Chairman, called the meeting to order at 7:35 P.M.

**ROLL CALL**

**PRESENT:** Rosemary Kornacki  
 Brian Wattles  
 Terry Navratil  
 Kevin Lindsey  
 Jack Turner  
 Ed Bortner  
 Roger Kaniarz  
 Loraine Campbell, Museum Manager  
 Brian Stoutenburg, Library Director

Reviewed the August 26, 2003 Troy Historic Commission Minutes be approved.

**Resolution #HDC-2003-08-001**

**Moved by Lindsey**

**Seconded by Turner**

**RESOLVED, That the minutes of June 17, 2003 be approved.**

Yes: 5 — Kornacki, Wattles, Navratil, Lindsey, Turner, Bortner, Kaniarz

No: 0

**MOTION CARRIED****OLD BUSINESS****A. Church Parsonage Status**

Troy Hall Progress Report:

The fieldstone facing on the foundation and accessibility ramp has been completed. New electrical and mechanical have been installed in the building.

Church Progress Report;

The foundation walls have been completed and Deitz House Movers have lowered the structures. They will finish removing their "I" beams from the church this week. The Carpenters will set the steel beams this week. Then the masons will return to complete their work. The foundation walls will then be waterproofed and Beardslee Excavators will return to backfill against the foundations. When this work is complete the carpenters will return to frame in the church addition and begin work on the exteriors of the buildings.

**B. Capital Projects**

#### Caswell

The interior door hardware is being refurbished/ replaced as necessary. The balusters and railing on the stairwell are being made secure. Plaster repairs are being scheduled. Loraine is now getting prices for painting and wallpapering.

#### Print Shop

The new porch railings have been installed and are ready to be painted.

#### Electrical Upgrades

The PO for EAM (Electrical Engineers) has been released. They will develop specifications for electrical upgrades throughout the Village and the specs for running power to Troy Hall, the Church and Parsonage.

#### Exterior Painting for Buildings

The PO for Downriver Maintenance should be released this week. Loraine met with a representative from Sherwin Williams. We will run three test strips on the back of the General Store: Translucent White Stain, Solid White Stain and standard primer and high quality paint. The test strips will be evaluated on appearance and how well they initially adhere to the smooth cedar siding. A decision will be made regarding which products will be applied to the General Store, Print Shop and Troy Hall now. Then the strips will remain on the building for long-term evaluation.

### **C. Programs**

See attached repots.

The new Education Program brochure (provided to commission members) was mailed to schools in mid August. Marty Peterson, the Elementary Social Studies Curriculum coordinator is strongly encouraging all Troy teachers grades K-4 to participate in specific programs at the Museum:

Cheddar's History Trunk	Kindergarten
Children's Chores	1 <sup>st</sup> Grade
Poppleton School	2 <sup>nd</sup> Grade
Field Day	3 <sup>rd</sup> Grade
Hunting for History	4 <sup>th</sup> Grade

Teacher response has been high. We are anticipating a higher percentage of Troy schools attending Museum programs this year. Loraine also spoke at the Library's annual breakfast for Media Specialists.

Public Programs for Winter 2004 are being developed and will be submitted to Community Affairs for Troy Today in mid September.

### **OLD BUSINESS**

#### **A. Troy Historical Society Liaison Report**

The Historical Society's Annual meeting will be September 9, 2003. They are inviting residents who owned homes with local historic designation.

The Troy Heritage Campaign is continuing their efforts. They have received a donation to cover the entire cost of the steeple. They are also looking seriously at options for a barn to relocate to the Historic Village in 2004.

**B. Civic Center Priority Task Force**

Brian Wattles discussed the initial efforts of the committee to tour the civic center site and explore the types of uses they feel would be suitable. The task force is focusing on green area, passive use developments.

Loraine reported that Michelle Hodges of the Chamber of Commerce would like to present the ideas of the chamber to the Historical Commission. Brian stated he wanted to meet with her first.

**C. New Acquisitions:**

See attached report

**D. Staff:**

The four new employees began work in September. They all seem to be acclimating well and are enthusiastic regarding assignments. Loraine is working to secure computers for them as other computers in the City are replaced. The second floor Prep Room will be reorganized as office space for the new interpreters.

The Troy Historic Commission Meeting was adjourned at 9:15 p.m. The next regular meeting will be held Tuesday, October 28, 2003 at 7:30 p.m. at the Troy Museum & Historic Village.

---

Rosemary Kornacki  
Chairman

---

Loraine Campbell  
Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on October 7, 2003, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Dennis A. Kramer  
Lawrence Littman  
Robert Schultz  
Thomas Strat  
David T. Waller  
Wayne Wright

Absent:

Walter Storrs  
Mark J. Vleck

Also Present:

Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Amalfi Parker, Student Representative  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2003-10-024**

Moved by: Chamberlain  
Seconded by: Wright

**RESOLVED**, That Messrs. Storrs and Vleck be excused from attendance at this meeting.

Yes: All present (7)  
No: None  
Absent: Storrs, Vleck

**MOTION CARRIED**

2. MINUTES

**Resolution # PC-2003-10-025**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, To approve the September 23, 2003 Special Meeting and the September 23, 2003 Special/Study Meeting minutes as published.

Yes: Kramer, Littman, Schultz, Strat, Waller, Wright  
No: None  
Abstain: Chamberlain  
Absent: Storrs, Vleck

### **MOTION CARRIED**

### 3. PUBLIC COMMENTS

There was no one present who wished to speak.

### 4. PLANNING AND ZONING REPORT

Mr. Savidant reported on Council actions taken at its October 6, 2003 Regular Meeting.

#### Council Action Items

- *Request for Joint City Council/Planning Commission Meeting – **Approved***  
The Joint Meeting is scheduled on Tuesday, October 27, 2003, at 7:30 p.m. at the Police and Fire Training Center. Mr. John Szerlag will facilitate the meeting.
- *Preliminary Site Plan Review and Amended Consent Judgment (SP 146) Troy Commons – **Approved***  
The City Traffic Engineer, per the Resolution approved by the Planning Commission, reviewed and recommended that the entry drive on Rochester Road remain as proposed.

Mr. Kramer questioned if City Council had discussion on proposed amendments to the City Charter, specifically with respect to term limits for the Planning Commission members. Mr. Savidant will look into this matter and report back to the Commission.

Mr. Savidant reported on the following items:

- *The Kresge Foundation*  
Representatives from the Kresge Foundation met with the Planning Department and members of City staff on proposed plans for the Kresge Foundation office site at 3215 W. Big Beaver Road. It is proposed to demolish and replace the existing Kessler Building and also redesign the parking lot with a more environmentally sensitive design. The historic farmhouse would remain.

Mr. Waller circulated an article printed in the September issue of *Area Development Magazine* that articulates the concept of green buildings.

- *City of Rochester Hills, Proposed Historic Lorna Stone Village, Northeast Corner of Adams and South Boulevard*  
The Planning Department has received negative feedback from the City of Rochester Hills and the developer for the proposed project with respect to the lack of support from the Planning Commission as stated in Resolution # PC-2003-09-023. An invitation has been extended to the project architect to make a presentation to the Commission.
- *Rezoning Application, Axtell Development, 2785 W. Maple Road*  
The rezoning application, submitted to the Planning Department on October 6, 2003, was not accepted and returned to the applicant because the application was incomplete and contained legal description errors. The Planning Department anticipates the errors will be addressed and the application will be resubmitted.

## 5. SUB-COMMITTEE REPORTS

### CR-1

Mr. Chamberlain reported that he is in receipt of the draft language from the Planning Department. Upon his review, he will forward any comments or revisions to the Planning Department.

### Tree Preservation / Landscaping / Walls

The committee is scheduled to meet Thursday, October 9, 2003.

### Gateway / Beautification

Mr. Savidant will contact the Chair of the Parks and Recreation Board for a recommendation on the proposed gateway signage. Timing on the gateway signage could be critical if the Commission would like it to be incorporated in the approval process of the proposed Sterling Corporate Center PUD 3.

### Special Use

Mr. Chamberlain reported that he is in receipt of the proposed draft language from the Planning Department. Upon his review, he will forward any comments or revisions to the Planning Department.

### Indoor Commercial Recreation

The Planning Department recommended that this matter be studied during the Maple Road Corridor study. The committee members and the Commission as a whole were in agreement.

ZOTA # 199 Site Plan Review/Approval – City Council Public Hearing (October 27, 2003)

The Commission discussed City Management's minor revisions of the Planning Commission's proposed zoning ordinance amendments.

Mr. Chamberlain will prepare a draft resolution to City Council for discussion and approval at the October 14, 2003 Planning Commission Regular Meeting.

ZOTA # 182 R-1T One Family Attached Residential Districts

The Commission discussed City Management's modified version of the Planning Commission's proposed zoning ordinance amendments.

Mr. Schultz will prepare a draft resolution to City Council for discussion and approval at the October 14, 2003 Planning Commission Regular Meeting.

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 203) – Article 02.00.00 – Changes, Amendments and Approvals, edit text to replace Chapter 40 of the City Code (to be repealed) and include language regarding Voting Requirements

Ms. Lancaster reviewed the proposed text changes to the voting requirements.

It was the consensus of the Commission to move forward with the text amendments as proposed.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

It was the consensus of the Commission to postpone the Public Hearing for indoor commercial recreation uses in the M-1 district to allow the Commission time to make a fair assessment of the issue based on an analysis of the M-1 District and the Maple Road Corridor.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outdoor Storage of Commercial and Noncommercial Vehicles in Light Industrial Zoning Districts

Mr. Savidant presented a first draft of potential revisions of the zoning ordinance to permit outdoor storage of commercial and recreational vehicles in the M-1 zoning district at existing mini-storage facilities.

A brief discussion followed. The Commission encouraged the Planning Department to conduct a site visit of the commercial property on the east side of Dequindre between 13 and 14 Mile Roads.



9. PRELIMINARY PLAT – TENTATIVE APPROVAL – Wyngate of Troy, 74 Lots Proposed, East Side of Coolidge, North of Square Lake, Section 5 – R-1B

Mr. Savidant presented a brief summary of the proposed subdivision that is on the October 14<sup>th</sup> Regular Meeting agenda. Mr. Savidant reported that the Planning Department has received numerous inquiries from neighboring residents.

Robert Beaugrand, project architect from Atwell-Hicks, Inc., 7927 Nemco Way, Brighton, was present. Mr. Beaugrand circulated the most recent revised plan, and provided a history of the site. Mr. Beaugrand reviewed the proposed plan with respect to lot size, stormwater management, wetlands, interconnectivity with adjacent subdivisions, general land flow, boulevard entrance, pedestrian pathway and sidewalks.

The Commission requested that the petitioner provide further details on grade, landscaping, and storm water management on the south end of the site.

Mr. Savidant will clarify who is responsible for the maintenance of the sedimentation vaults; i.e., homeowners or the City.

John DePorre of Pulte Homes, 26622 Woodward Avenue, Royal Oak, was present. Mr. DePorre confirmed he would arrange an informational meeting with the affected homeowners associations prior to the October 14<sup>th</sup> meeting.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 198) – Article 40.20.00 Parking Requirements – Additional Revisions

After a brief discussion, it was the consensus of the Commission to not address the additional revisions to the zoning text amendment until the proposed amendments currently before City Council for review and approval are acted upon.

11. REVIEW OF OCTOBER 14, 2003 REGULAR MEETING

Discussion was held on the following upcoming items:

- Sterling Corporate Center PUD 3
- Wyngate Subdivision
- ZOTA #201 (Arts and Dance Schools in Light Industrial Zoning Districts)

12. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Savidant extended an open invitation to Ms. Parker to visit the Planning Department during business hours to learn about the daily activities of the department.

Mr. Waller relayed a story from his brother who lives in Seattle that the County is electing its planning chief. Also, Mr. Waller said he'd like to purchase two tickets to the Detroit Lions-Oakland Raiders game on November 2.

Mr. Schultz questioned the City Clerk Office's intention to go to an electronic agenda and packet for all Boards and Commissions, as referenced in their verification of information request. Mr. Schultz voiced his objection to going electronically for the Planning Commission, citing that site plans would be very difficult to read and downloading documents would be time-consuming.

Mr. Savidant will check into this matter.

Mr. Schultz surmised from a recent Citizen Planner Program session that pedestrian scaled lighting could be very effective for the pedestrian friendly walkways proposed for the Sterling Corporate Center PUD.

Mr. Savidant commented that pedestrian lighting was a recent proposed improvement for the development.

Mr. Strat reported that the Citizen Planner Program session referenced the "5-minute walk circle" and how cities have made it inconvenient to walk from one destination to another as a result of segregated zonings. Mr. Strat also reported that the SEMCOG Water Management Workshop was superb. He asked the seminar representatives if it could be possible to conduct the workshop for the Commission. Mr. Strat also announced that a sneak preview of the Ford Motor Rouge Factory, an all green building, is scheduled this week.

Mr. Strat and Mr. Schultz circulated a list of Oakland County cities that designates which cities have or do not have authority to grant final site plan approval. The list was compiled by the Oakland County Planning Department.

Ms. Parker requested a brief history of the proposed Sterling Corporate Center PUD 3, and noted the plan appears to be a good mix of office, commercial and pedestrian-friendly uses.

Chairman Littman provided a very brief history of the PUD.

Mr. Chamberlain agreed that going to an electronic agenda and packet would be a disservice and an expense to the Commission. Mr. Chamberlain also suggested that the City initiate a rezoning on the residential portion of the Kresge Foundation site. Also, Mr. Chamberlain spoke on the recently completed road repair work on Long Lake Road between Rochester and Dequindre Roads. He reported that significant grade differences exist between the road and the single-family driveways and subdivision driveways. Further, Mr. Chamberlain said it appears the City is inconsistent with providing acceleration and deceleration lanes.

**Resolution # PC-2003-10-026**

Moved by: Chamberlain

Seconded by: Waller

**RESOLVED**, That the appropriate City staff member who is responsible for reviewing and approving the City highway projects attend the next Planning Commission Study Session (November 4, 2003) and provide an explanation to the Commission why the City does not have a consistent provision for acceleration and deceleration lanes and why there are such significant grade differences on Long Lake Road.

Yes: All present (7)

No: None

Absent: Storrs, Vleck

**MOTION CARRIED**

Mr. Wright supported Mr. Chamberlain's concern on the grade differences on Long Lake Road.

Chairman Litmann requested the Planning Department to provide a matrix of conferences offered at the Michigan Society of Planning Annual Conference and Commission members who are attending.

**ADJOURN**

The Regular Meeting of the Planning Commission was adjourned at 9:10 p.m.

Respectfully submitted,

---

Lawrence Littman, Chairman

---

Kathy L. Czarnecki, Recording Secretary

G:\MINUTES\2003 PC Minutes\Draft\10-07-03 Special Study Meeting\_Draft.doc

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on October 7, 2003, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Dennis A. Kramer  
Lawrence Littman  
Robert Schultz  
Thomas Strat  
David T. Waller  
Wayne Wright

Absent:

Walter Storrs  
Mark J. Vleck

Also Present:

Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Amalfi Parker, Student Representative  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2003-10-024**

Moved by: Chamberlain  
Seconded by: Wright

**RESOLVED**, That Messrs. Storrs and Vleck be excused from attendance at this meeting.

Yes: All present (7)  
No: None  
Absent: Storrs, Vleck

**MOTION CARRIED**

2. MINUTES

**Resolution # PC-2003-10-025**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, To approve the September 23, 2003 Special Meeting and the September 23, 2003 Special/Study Meeting minutes as published.

Yes: Kramer, Littman, Schultz, Strat, Waller, Wright  
No: None  
Abstain: Chamberlain  
Absent: Storrs, Vleck

### **MOTION CARRIED**

#### 3. PUBLIC COMMENTS

There was no one present who wished to speak.

#### 4. PLANNING AND ZONING REPORT

Mr. Savidant reported on Council actions taken at its October 6, 2003 Regular Meeting.

##### Council Action Items

- *Request for Joint City Council/Planning Commission Meeting – **Approved***  
The Joint Meeting is scheduled on Tuesday, October 27, 2003, at 7:30 p.m. at the Police and Fire Training Center. Mr. John Szerlag will facilitate the meeting.
- *Preliminary Site Plan Review and Amended Consent Judgment (SP 146) Troy Commons – **Approved***  
The City Traffic Engineer, per the Resolution approved by the Planning Commission, reviewed and recommended that the entry drive on Rochester Road remain as proposed.

Mr. Kramer questioned if City Council had discussion on proposed amendments to the City Charter, specifically with respect to term limits for the Planning Commission members. Mr. Savidant will look into this matter and report back to the Commission.

Mr. Savidant reported on the following items:

- *The Kresge Foundation*  
Representatives from the Kresge Foundation met with the Planning Department and members of City staff on proposed plans for the Kresge Foundation office site at 3215 W. Big Beaver Road. It is proposed to demolish and replace the existing Kessler Building and also redesign the parking lot with a more environmentally sensitive design. The historic farmhouse would remain.

Mr. Waller circulated an article printed in the September issue of *Area Development Magazine* that articulates the concept of green buildings.

- *City of Rochester Hills, Proposed Historic Lorna Stone Village, Northeast Corner of Adams and South Boulevard*  
The Planning Department has received negative feedback from the City of Rochester Hills and the developer for the proposed project with respect to the lack of support from the Planning Commission as stated in Resolution # PC-2003-09-023. An invitation has been extended to the project architect to make a presentation to the Commission.
- *Rezoning Application, Axtell Development, 2785 W. Maple Road*  
The rezoning application, submitted to the Planning Department on October 6, 2003, was not accepted and returned to the applicant because the application was incomplete and contained legal description errors. The Planning Department anticipates the errors will be addressed and the application will be resubmitted.

## 5. SUB-COMMITTEE REPORTS

### CR-1

Mr. Chamberlain reported that he is in receipt of the draft language from the Planning Department. Upon his review, he will forward any comments or revisions to the Planning Department.

### Tree Preservation / Landscaping / Walls

The committee is scheduled to meet Thursday, October 9, 2003.

### Gateway / Beautification

Mr. Savidant will contact the Chair of the Parks and Recreation Board for a recommendation on the proposed gateway signage. Timing on the gateway signage could be critical if the Commission would like it to be incorporated in the approval process of the proposed Sterling Corporate Center PUD 3.

### Special Use

Mr. Chamberlain reported that he is in receipt of the proposed draft language from the Planning Department. Upon his review, he will forward any comments or revisions to the Planning Department.

### Indoor Commercial Recreation

The Planning Department recommended that this matter be studied during the Maple Road Corridor study. The committee members and the Commission as a whole were in agreement.

ZOTA # 199 Site Plan Review/Approval – City Council Public Hearing (October 27, 2003)

The Commission discussed City Management's minor revisions of the Planning Commission's proposed zoning ordinance amendments.

Mr. Chamberlain will prepare a draft resolution to City Council for discussion and approval at the October 14, 2003 Planning Commission Regular Meeting.

ZOTA # 182 R-1T One Family Attached Residential Districts

The Commission discussed City Management's modified version of the Planning Commission's proposed zoning ordinance amendments.

Mr. Schultz will prepare a draft resolution to City Council for discussion and approval at the October 14, 2003 Planning Commission Regular Meeting.

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 203) – Article 02.00.00 – Changes, Amendments and Approvals, edit text to replace Chapter 40 of the City Code (to be repealed) and include language regarding Voting Requirements

Ms. Lancaster reviewed the proposed text changes to the voting requirements.

It was the consensus of the Commission to move forward with the text amendments as proposed.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

It was the consensus of the Commission to postpone the Public Hearing for indoor commercial recreation uses in the M-1 district to allow the Commission time to make a fair assessment of the issue based on an analysis of the M-1 District and the Maple Road Corridor.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outdoor Storage of Commercial and Noncommercial Vehicles in Light Industrial Zoning Districts

Mr. Savidant presented a first draft of potential revisions of the zoning ordinance to permit outdoor storage of commercial and recreational vehicles in the M-1 zoning district at existing mini-storage facilities.

A brief discussion followed. The Commission encouraged the Planning Department to conduct a site visit of the commercial property on the east side of Dequindre between 13 and 14 Mile Roads.

9. PRELIMINARY PLAT – TENTATIVE APPROVAL – Wyngate of Troy, 74 Lots Proposed, East Side of Coolidge, North of Square Lake, Section 5 – R-1B

Mr. Savidant presented a brief summary of the proposed subdivision that is on the October 14<sup>th</sup> Regular Meeting agenda. Mr. Savidant reported that the Planning Department has received numerous inquiries from neighboring residents.

Robert Beaugrand, project architect from Atwell-Hicks, Inc., 7927 Nemco Way, Brighton, was present. Mr. Beaugrand circulated the most recent revised plan, and provided a history of the site. Mr. Beaugrand reviewed the proposed plan with respect to lot size, stormwater management, wetlands, interconnectivity with adjacent subdivisions, general land flow, boulevard entrance, pedestrian pathway and sidewalks.

The Commission requested that the petitioner provide further details on grade, landscaping, and storm water management on the south end of the site.

Mr. Savidant will clarify who is responsible for the maintenance of the sedimentation vaults; i.e., homeowners or the City.

John DePorre of Pulte Homes, 26622 Woodward Avenue, Royal Oak, was present. Mr. DePorre confirmed he would arrange an informational meeting with the affected homeowners associations prior to the October 14<sup>th</sup> meeting.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 198) – Article 40.20.00 Parking Requirements – Additional Revisions

After a brief discussion, it was the consensus of the Commission to not address the additional revisions to the zoning text amendment until the proposed amendments currently before City Council for review and approval are acted upon.

11. REVIEW OF OCTOBER 14, 2003 REGULAR MEETING

Discussion was held on the following upcoming items:

- Sterling Corporate Center PUD 3
- Wyngate Subdivision
- ZOTA #201 (Arts and Dance Schools in Light Industrial Zoning Districts)

12. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.



**GOOD OF THE ORDER**

Mr. Savidant extended an open invitation to Ms. Parker to visit the Planning Department during business hours to learn about the daily activities of the department.

Mr. Waller relayed a story from his brother who lives in Seattle that the County is electing its planning chief. Also, Mr. Waller said he'd like to purchase two tickets to the Detroit Lions-Oakland Raiders game on November 2.

Mr. Schultz questioned the City Clerk Office's intention to go to an electronic agenda and packet for all Boards and Commissions, as referenced in their verification of information request. Mr. Schultz voiced his objection to going electronically for the Planning Commission, citing that site plans would be very difficult to read and downloading documents would be time-consuming.

Mr. Savidant will check into this matter.

Mr. Schultz surmised from a recent Citizen Planner Program session that pedestrian scaled lighting could be a very effective means of achieving the pedestrian friendly scale on the sidewalk proposed for the Sterling Corporate Center PUD.

Mr. Savidant commented that pedestrian lighting was a recent proposed improvement for the development.

Mr. Strat reported that the Citizen Planner Program session referenced the "5-minute walk circle" and how cities have made it inconvenient to walk from one destination to another as a result of segregated zonings. Mr. Strat also reported that the SEMCOG Water Management Workshop was superb. He asked the seminar representatives if it could be possible to conduct the workshop for the Commission. Mr. Strat also announced that a sneak preview of the Ford Motor Rouge Factory, an all green building, is scheduled this week.

Mr. Strat and Mr. Schultz circulated a list of Oakland County cities that designates which City Planning Commissions do or do not have authority to grant final site plan approval.

Ms. Parker requested a brief history of the proposed Sterling Corporate Center PUD 3, and noted the plan appears to be a good mix of office, commercial and pedestrian-friendly uses.

Chairman Littman provided a very brief history of the PUD.

Mr. Chamberlain agreed that going to an electronic agenda and packet would be a disservice and an expense to the Commission. Mr. Chamberlain also suggested that the City initiate a rezoning on the residential portion of the Kresge Foundation site. Also, Mr. Chamberlain spoke on the recently completed road repair work on Long Lake Road between Rochester and Dequindre Roads. He reported that significant grade differences exist between the road and the single-family driveways and subdivision driveways. Further, Mr. Chamberlain said it appears the City is inconsistent with providing acceleration and deceleration lanes.

**Resolution # PC-2003-10-026**

Moved by: Chamberlain

Seconded by: Waller

**RESOLVED**, That the appropriate City staff member who is responsible for reviewing and approving the City highway projects attend the next Planning Commission Study Session (November 4, 2003) and provide an explanation to the Commission why the City does not have a consistent provision for acceleration and deceleration lanes and why there are such significant grade differences on Long Lake Road.

Yes: All present (7)

No: None

Absent: Storrs, Vleck

**MOTION CARRIED**

Mr. Wright supported Mr. Chamberlain's concern on the grade differences on Long Lake Road.

Chairman Litmann requested the Planning Department to provide a matrix of conferences offered at the Michigan Society of Planning Annual Conference and Commission members who are attending.

**ADJOURN**

The Regular Meeting of the Planning Commission was adjourned at 9:10 p.m.

Respectfully submitted,

---

Lawrence Littman, Chairman

---

Kathy L. Czarnecki, Recording Secretary

G:\MINUTES\2003 PC Minutes\Final\10-07-03 Special Study Meeting\_Final.doc

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on October 14, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Dennis A. Kramer  
Lawrence Littman  
Robert Schultz  
Walter Storrs  
Thomas Strat  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Absent:

Gary Chamberlain

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Richard K. Carlisle, Carlisle/Wortman Associates  
Amalfi Parker, Student Representative  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2003-10-027**

Moved by: Schultz

Seconded by: Vleck

**RESOLVED**, That Mr. Chamberlain be excused from attendance at this meeting.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

2. PUBLIC COMMENTS

There was no one present who wished to speak.

**TABLED ITEMS**

3. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

Mr. Miller reported that it is the recommendation of the Planning Department to postpone the Public Hearing for indoor commercial recreation uses in the M-1 District. He explained the postponement would allow time for the Planning Commission to arrive at a fair assessment of the issue, based on an analysis of the M-1 District and the Maple Road Corridor.

Kenneth Posner of 6960 Orchard Lake Road, West Bloomfield, was present to represent the petitioner. Mr. Posner noted that the intent of the request is to permit all types of recreational uses in the M-1 zoning district, not particularly the arts and dance studio. Mr. Posner stated the petitioner has no objection to tabling the matter.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED****Resolution # PC-2003-10-028**

Moved by: Kramer

Seconded by: Wright

**RESOLVED**, That the Zoning Ordinance Text Amendment (ZOTA 201) requested by The Link School for the Arts is hereby tabled for six (6) months to the April 13, 2004 Regular Meeting, to allow sufficient study of the Maple Road Corridor and abutting industrial areas and the M-1 Light Industrial District.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North Side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed Sterling Corporate Center PUD. Mr. Miller reported that it is the recommendation of the Planning Department to approve the PUD.

Mr. Carlisle, Planning Consultant, presented a summary of his report on the proposed PUD. He noted that as a result of extensive discussions among the petitioner, Planning Department, City staff and himself, all original concerns have been addressed. Mr. Carlisle gave an overview of the recent revisions to the plan that have made it an acceptable Planned Unit Development project; i.e., extensive streetscape and pedestrian walkability improvements, a restaurant attached to the parking structure, storm water retention and landscaping improvements, and quality building materials. It is the recommendation of Mr. Carlisle to approve the PUD.

The petitioner, Peter Burton of Burton Katzman Development Company, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. Burton said it has been three years of working together with City staff, politicians, the Planning Commission and the Planning Consultant to create the PUD document. The PUD ordinance has been achieved to create a project that fits a vision of the City of Troy from a planning perspective as well as maximizing value. Mr. Burton said the project would be one of which everyone can be proud, and he looks forward to working with the community in seeing the project to its fruition.

Mr. Strat asked the petitioner why cross sections of the pedestrian walkway and parking lot have not been provided as requested by the Commission.

Chuck DiMaggio of Burton Katzman was present. Mr. DiMaggio responded that a cross section prepared by the project engineer was discussed at a previous study session, at which time it was attempted to address Mr. Strat's concerns. He stated that a total depression of the parking area could not be accomplished because of the complexities involved with the storm water drainage system and handicapped facilities from the parking spaces up to the level of the building. Mr. DiMaggio said that Mr. Strat's suggestions were seriously considered and believes they have been addressed meaningfully.

Mr. Strat commented that no documentation has been provided to the fact that the depression of the parking lot could not be accomplished due to the underground water retention.

Mr. Burton responded that the project engineers have tried to their greatest extent to accomplish the depression of the parking lot, as suggested by Mr. Strat, and wanted to go on record to state that they would continue to work on improving that concept.

Mr. Kramer questioned the proposed landscaping on the MDOT property within the I-75 Interstate cloverleaf.

Mr. Burton stated that there is no way to assure MDOT's commitment to the landscaping, but Burton Katzman promises to work together with the City to get the landscaping. Mr. Burton said that in the event MDOT does not achieve the landscaping, Burton Katzman has committed to donate to the City the equivalent dollar amount of the landscaping for other improvements along Big Beaver Road.

Mr. DiMaggio stated that contacts with MDOT relative to landscaping the cloverleaf have led Burton Katzman to believe it is achievable. Mr. DiMaggio said a permit application has been submitted to MDOT.

Mr. Miller reported the preliminary plan includes the I-75 cloverleaf landscaping, and the plan would have to be considered again should MDOT not commit to the landscaping prior to final plan approval. Mr. Miller said he is comfortable with the proposal at this time because of the commitment made by Burton Katzman in their September 7, 2003 communication.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

Mr. Storrs said he initially thought and still thinks the proposed development does not qualify under the PUD ordinance, even with the substantial changes and improvements that have recently been made. He cited that the development fails six of the eight objectives under the *Intent* and believes the proposed improvements do not justify the 70% increase in office density. Further, Mr. Storrs said that the development fails three out of the five objectives under *Eligibility*, as well as failing some of the General Development standards. Mr. Storrs said he would like to see a more aggressive mixed-use development on the site.

#### **Resolution # PC-2003-10-029**

Moved by: Waller

Seconded by: Wright

**RESOLVED**, That the Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development (PUD – 3), located on the north side of Big Beaver Road and on the west side of I-75, located in section 21, within the O-S-C zoning district, being 5.91 acres in size, is hereby recommended for approval by the Planning Commission.

**BE IT FURTHER RESOLVED**, the proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.1, the applicant demonstrated quality objectives such as those referred to in Section 35.30.00-B-2. In the earlier submissions, the applicant relied heavily upon these standards primarily related to the building in order to justify the PUD. The revised plan places more emphasis on site improvements that will set a positive tone for the Big Beaver corridor. Furthermore, the applicant has provided a concept plan and committed to fund a more detailed design plan for the Big Beaver Corridor.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.2, the applicant provides a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare. The project has been represented as “mixed use” in nature. The applicant has indicated in previous documentation that the ground floor will be reserved for commercial uses, including restaurants, health facilities, sundry shops, apparel shops, etc. All of these proposed uses are permitted in the underlying O-S-C zoning district. While the restaurant, fronting on Wilshire Drive furthers the case for mixed use on the site, in that it would not be permitted in the underlying O-S-C zoning district.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The improvements to the I75 exit ramp cloverleaf, titled the “Gateway Treatment”, and Wilshire Drive are identified public improvements as required. In addition, street trees and pedestrian paving were added to the center median of Wilshire Drive and at the east side of Wilshire near the Big Beaver intersection.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.4, traffic congestion on the site was previously improved with the removal of the northeast entry into the garage, the widened exit at the bank drive-thru, the enlarged truck loading area and the additional exit lane at the main entrance to the site. The traffic impact study has been provided, and the applicant has indicated that all recommendations of the plan will be carried out including lane improvements on Big Beaver Road. Additional modifications have been made to the boulevard access and valet drop-off at the request of the City.

**BE IT FURTHER RESOLVED**, Pursuant to Article 35.30.00.C.7, the PUD is generally in compliance with the Future Land Use Plan. The Future Land Use Plan does not specifically contemplate a development which is significantly greater than the intended intensity of the site. Given the location of the site and its relationship to surrounding land use, a building of this size, height and intensity would be appropriate, provided there are sufficient benefits afforded by the PUD.

**BE IT FURTHER RESOLVED**, that the Preliminary Planned Unit Development consist of a project manual, dated September 2 2003, which contains narratives, reduced plans, and full size plans, including the following:

Project Manual – Dated and Stamped September 2, 2003

Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan
Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan

Sheet L-2	Gateway Landscape Plan
Sheet L-3	Preliminary Streetscape Plan
Sheet L-4	I-75 Section Plan
Sheet L-5	Big Beaver Road Urban Design Concept Sketch
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan
Sheet A-101	Lower & Second Level Plan
Sheet A-102	Third & Fourth Level Plan
Sheet A-200	North and South Elevations
Sheet A-201	East and West Elevations (stamped October 9, 2003)
Sheet A-202	Building Sign Elevations and Details (stamped October 9, 2003)
Sheet A-203	Building Sign Elevations
Sheet A-300	Building Sections
Sheet L-100	Site Lighting Plan
Sheet L-200	Site Lighting Photometric Plan
Sheet L-300	Building Lighting Plan
Sheet AR-1	Big Beaver Road Photographic Elevation (day)
Sheet AR-2	Big Beaver Road Elevation (night)
Sheet AR-3	North and South Elevations
Sheet AR-4	East and West Elevations
Sheet AR-5	City Wide Elevation
Sheet AR-6	Plaza Perspective
Sheet AR-7	Wilshire Drive Building Perspective
Sheet AR-8	Parking Structure Enlarged Elevations
Sheet AR-9	Building Material Examples
Sheet AR-10	Building Material Samples

Full Size Plans (Stamped by Planning Dept. - Revised Sept. 3, 2003):

Sheet P-1	Cover Sheet
Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan
Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan
Sheet L-2	Gateway Landscape Plan
Sheet L-4	I-75 Section Plan
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan
Sheet A-101	Lower & Second Level Plan
Sheet A-102	Third & Fourth Level Plan
Sheet A-103	Floor Plans
Sheet A-200	North and South Elevations
Sheet A-201	East and West Elevations (stamped October 9, 2003)
Sheet A-202	Building Sign Elevations and Details (stamped October 9, 2003)
Sheet A-203	Building Sign Elevations
Sheet A-300	Building Sections
Sheet L-100	Site Lighting Plan



Sheet L-200      Site Lighting Photometric Plan  
Sheet L-300      Building Lighting Plan

***BE IT FINALLY RESOLVED***, That

1. The lower level of the building exterior (dark material) shall be all granite.
2. Uplighting all four sides of underside of pagoda style roof shall be allowed.
3. No illuminated signage on high-rise building on north or west side above 4<sup>th</sup> floor (ground floor plus 3 floors). Exterior signage for the restaurant located alongside the west side of the parking deck is allowed.
4. Parking structure has horizontal bars in open spaces (same as building).
5. If MDOT agrees, landscaping shall be provided along east edge of property on MDOT property, between the I-75 off-ramp and the property line plus in the Northwest cloverleaf of I-75 immediately east of the property. In addition, irrigation and/or lawn sprinklers will be provided on the MDOT property, with water being provided from the Sterling Bank site at no cost to MDOT or the City of Troy. Further, all maintenance and winterizing of the irrigation and/or lawn sprinklers on MDOT property will be the responsibility of Sterling Bank and/or Burton Katzman. If the above cannot be accomplished, then a cash payment to the City of Troy for alternate landscaping to the west of the site shall be provided of equivalent value of the landscaping proposed, due within six months of construction start.
6. Rooftop gardens concept shall be encouraged for the following locations:  
2nd level at building access to parking deck  
top of building (adjacent to top two floors)  
top of parking structure (partial)  
  
If the rooftop gardens concept is utilized, the square footage allocated shall be considered in all calculations for landscaping, open space and green space.
7. Electrical connections shall be provided and maintained for a future gateway sign.
8. For Wilshire Boulevard, landscaping shall be provided in the median.
9. Commitments made to two neighboring subdivision shall be honored.
10. To allow maximum visibility of the front of the building, incorporate into the design for the front plaza area the lowest possible practical elevation for the parking and lower as much as possible the berm adjacent to the Big Beaver sidewalk.

11. The proposed urban sidewalk design shall be included. Consideration should be given to providing useful and decorative low level pedestrian scale lighting along Big Beaver Road.
12. For the fire service road to the north and east of the parking structure, consideration should be given for use of an open grid type paver for road construction. This would allow grass to grow in the open spaces and water to permeate.

Discussion.

Mr. Vleck suggested the motion request the petitioner to provide a side elevation plan that shows the building elevation, the front parking elevation and the Big Beaver Road elevation.

The Commission was in agreement.

Mr. Strat suggested the motion include pedestrian scale lighting along Wilshire Boulevard, as well as Big Beaver Road.

The Commission was in agreement.

Mr. Schultz suggested the motion include pedestrian scale lighting to be extended to the north property line of the project to give a cohesive finished appearance to the entire site (Concept Plan L-3).

The Commission was in agreement.

Discussion followed with respect to commitments made to the neighboring residents and the exterior illumination of the project.

**Resolution # PC-2003-10-030**

Moved by: Vleck

Seconded by: Storrs

**RESOLVED**, That item #9, "Commitments made to two neighboring subdivisions shall be honored" be deleted from the motion (Resolution #PC-2003-10-029).

Yes: Kramer, Littman, Storrs, Vleck, Wright

No: Schultz, Strat, Waller

Absent: Chamberlain

**MOTION CARRIED**

Vote on the motion (Resolution #PC-2003-10-029), as amended to read as follows.

***BE IT FURTHER RESOLVED***, That

1. The lower level of the building exterior (dark material) shall be all granite.
2. Uplighting all four sides of the underside of pagoda style roof shall be allowed.
3. No illuminated signage on high-rise building on north or west side above the 4<sup>th</sup> floor (ground floor plus 3 floors). Exterior signage for the restaurant located alongside the west side of the parking structure is allowed.
4. Parking structure has horizontal bars in open spaces, the same as the building.
5. If MDOT agrees, landscaping shall be provided along east edge of property on MDOT property, between the I-75 off-ramp and the property line plus in the northwest cloverleaf of I-75 immediately east of the property. In addition, irrigation and/or lawn sprinklers will be provided on the MDOT property, with water being provided from the Sterling Bank site at no cost to MDOT or the City of Troy. Further, all maintenance and winterizing of the irrigation and/or lawn sprinklers on MDOT property will be the responsibility of Sterling Bank and/or Burton Katzman. If the above cannot be accomplished, then a cash payment to the City of Troy for alternate landscaping to the west of the site shall be provided of equivalent value of the landscaping proposed, due within six months of construction start.
6. Rooftop gardens concept shall be encouraged for the following locations:  
2nd level at building access to parking structure  
top of building (adjacent to top two floors)  
top of parking structure (partial)  
  
If the rooftop gardens concept is utilized, the square footage allocated shall be considered in all calculations for landscaping, open space and green space.
7. Electrical connections shall be provided and maintained for a future gateway sign.
8. For Wilshire Boulevard, landscaping shall be provided in the median.
9. To allow maximum visibility of the front of the building, incorporate into the design for the front plaza area the lowest possible practical elevation for the parking and lower as much as possible the berm adjacent to the Big Beaver sidewalk.
10. The proposed urban sidewalk design shall be included and extended to the north property line along Wilshire Boulevard. Consideration should be given to

providing useful and decorative low level pedestrian scale lighting along Big Beaver Road and Wilshire Boulevard.

11. For the fire service road to the north and east of the parking structure, consideration should be given for use of an open grid type paver for road construction. This would allow grass to grow in the open spaces and water to permeate.
12. The Petitioner shall provide a side elevation drawing of the front of the building, including Big Beaver Road. This drawing shall be provided with the Troy City Council submission.

Yes: Kramer, Littman, Schultz, Strat, Vleck, Waller, Wright  
No: Storrs  
Absent: Chamberlain

### **MOTION CARRIED**

Chairman Littman stated that he is in agreement with Mr. Storrs' comments on the increased office density, but feels the development will be an attractive asset to a location that has been blighted for years.

Mr. DiMaggio expressed his appreciation to both the Commission and staff.

Mr. Storrs stated his findings are that the proposed PUD fails six of the eight objectives in the *Intent (35.10.00)* section, and that it also fails the objective that the provisions are not intended to be used as a device for avoiding the applicable zoning requirements. Mr. Storrs stated the proposed PUD fails three of five identified objectives in the *Eligibility (35.30.00 D.3.C)* section, as well as failing a number of General Development Standards. Mr. Storrs said he would like to see a much more aggressive use of mixed use, and feels a residential component is needed at that site.

### **SUBDIVISION**

5. TENTATIVE PRELIMINARY PLAT – Proposed Wyngate of Troy Subdivision, 74 Lots Proposed, North of Square Lake, East Side of Coolidge, Section 5- R-1B

Mr. Miller presented a summary of the Planning Department report for the proposed Wyngate Subdivision. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Tentative Preliminary Plat application as submitted.

Mr. Miller addressed the Commission's questions with respect to storm water retention, ingress and egress lanes, and pedestrian improvements. It was agreed

to clarify that an 8-foot concrete sidewalk would be provided between lots 20 and 21.

Chairman Littman thanked the petitioner for holding an informational meeting for residents prior to tonight's meeting.

Robert Beaugrand, project manager from Atwell-Hicks, Inc., 7927 Nemco Way, Brighton, was present. Mr. Beaugrand gave a presentation with respect to the history of the site, lot size, storm water management, wetlands, interconnectivity with adjacent subdivisions, general land flow, boulevard entrance, pedestrian pathway and sidewalks.

Mr. Beaugrand responded to additional questions from the Commission relating to the detention pond, storm water retention and design of swale.

John DePorre of Pulte Homes, 26622 Woodward Avenue, Royal Oak, was also present.

Chairman Littman opened the floor for public comment.

Maureen Lucas of 6260 Country Ridge Drive, Troy, was present. Ms. Lucas expressed her concerns with the additional traffic that would result from opening up the road to the proposed subdivision.

Chairman Littman encouraged Ms. Lucas to contact the City Traffic Engineer and request the City's consideration in providing traffic calming devices in the area.

Mr. Waller encouraged the residents to contact the City Council members with their concerns, as City Council has the final approval of the proposed subdivision.

Don Czerniewski of 1811 Buckthorn Court, Troy, was present. Mr. Czerniewski expressed his concerns with the amount of water that sits on the northern border of the site. Mr. Czerniewski asked for clarification on the storm water management and the proposed walkway along the northern border.

The floor was closed.

Mr. Beaugrand gave a detailed explanation of the storm water management on the site. He said the water, from gravity flow, would be collected in centralized storm water pipes, piped through the subdivision and ultimately discharged into the pond. He noted a small portion of the water would be diverted to one of the sedimentation vaults. Mr. Beaugrand said that legally storm water could not be discharged at a higher rate than it is currently being discharged.

Mr. Beaugrand further explained that there are three 8-foot concrete sidewalks proposed in the development. One sidewalk would connect from the cul-de-sac to the north to the existing Forest Creek Subdivision. The 8-foot concrete sidewalk

would extend along Coolidge, and an 8-foot concrete sidewalk is proposed within the 20-foot pedestrian easement connecting to Fire Fighters Park. Mr. Beaugrand explained that the City requested a 5-foot wide wood chip path to connect from Coolidge along the northern border and into the existing path system of Fire Fighters Park. Mr. Beaugrand confirmed that storm water throughout the development would be managed well and that the residents would not end up with more water after completion of the development. Mr. Beaugrand also said it is their intent is to dedicate the open space and wetland area to the city.

**Resolution # PC-2003-10-031**

Moved by: Kramer

Seconded by: Schultz

**RESOLVED**, That the Planning Commission recommends to City Council that the Preliminary Plat for the Tentative Approval as requested for Wyngate of Troy Subdivision, including 74 lots, located on the east side of Coolidge Highway and north of Square Lake Road, within Section 5, and the R-1B zoning district be granted, subject to the following conditions:

1. The subdivision is developed per the drawing before the Commission this evening.
2. That two 8-foot paved concrete walkways exist; one on the northwest corner of the site and one to the east connecting to Fire Fighters Park.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

\_\_\_\_\_  
Chairman Littman requested a recess at 9:25 p.m.

The meeting reconvened at 9:37 p.m.  
\_\_\_\_\_

**STREET VACATION REQUEST**

6. PUBLIC HEARING – STREET VACATION REQUEST (SV-184) – Crestfield Avenue between Hanover and Tallman, and Tallman Drive, abutting Lots 64, 65 and 192 of Crestfield Subdivision, North of Wattles, East of Livernois, Section 15 – R-1C

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request with the conditions of the retention of all necessary easements as required by the City of Troy, the dedication of the necessary right-of-way for Wattles and Hanover, and the dedication of future right-of-way for the Crestwood Site Condominium.

Mr. Miller reported that the developer has expressed an interest in changing the layout of the development that may require the plan to go through the approval process again. Mr. Miller suggested the Commission could go forward with the street vacation recommendation contingent that it is necessary to vacate a road prior to any development.

Mr. Storrs asked if the Planning Department is concerned about easements associated with new development.

Mr. Miller explained that the vacation takes place after the City conducts a research on the necessary easements and City Council approves an authorizing resolution.

The petitioner, Michael Lamb of RWT Building, 2065 Livernois, Troy, was present. Mr. Lamb stated that he owns the entire property abutting the proposed vacation. He said easements for the existing public utilities would be reserved and relocated, if necessary, within the development. Mr. Lamb said that the Hanover right-of-way has been dedicated, and noted that the ultimate right-of-way of Livernois has been designated in the plans.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

#### **Resolution # PC-2003-10-032**

Moved by: Wright

Seconded by: Vleck

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Crestfield Avenue, between Hanover and Tallman, and Tallman Drive, abutting Lots 64, 65, and 192 of Crestfield Subdivision, North of Wattles, East of Livernois, in Section 15, being zoned R-1C, be approved, subject to the following conditions:

1. Retention of all necessary easements as required by the City of Troy.
2. Dedication of Wattles and Hanover ultimate right-of-way.

3. Dedication of future right-of-way for the proposed Crestwood Site Condominium.

Yes: All present (8)  
No: None  
Absent: Chamberlain

**MOTION CARRIED**

**SITE PLANS**

Chairman Littman announced that the following site plans require five affirmative votes this evening, and in light of the fact that there is one member absent, a petitioner has the right to request tabling his/her request until a full board is present.

7. SITE PLAN REVIEW (SP 38-E) – Lord & Taylor, Proposed Addition to Oakland Mall, Northwest Corner of John R and Fourteen Mile Road, Section 35 – B-3

Mr. Savidant presented a summary of the Planning Department report for the proposed Lord & Taylor Store at Oakland Mall. Mr. Savidant reported that it is the recommendation of the Planning Department to table the site plan approval request for 30 days to allow time to resolve the outstanding issues, as listed.

- (1) The two alternate site plans show different designs and different number tabulation for off-street parking.
- (2) The applicant has not provided a sufficient parking study as required by the City Traffic Engineer.
- (3) Based on one of the site plans submitted, the applicant is 13 spaces short of meeting the off-street parking space requirement as set forth in the City Council variance of April 28, 2003.
- (4) The applicant has provided only a 5-foot wide sidewalk along Fourteen Mile Road when an 8-foot wide sidewalk is standard.
- (5) The site is non-conforming in terms of 5-foot wide connecting sidewalks that would provide connecting sidewalks from all major mall entrances to the abutting major thoroughfares.

Mr. Savidant noted that the Commission received a memorandum addressing the correction to the Resolution passed by City Council with respect to the parking variance received by the petitioner. The correct amount of parking spaces for which the petitioner has been granted is 1,106. He noted that the site plan is substandard also in terms of parking space width.

Mr. Savidant reported that although the petitioner has submitted two alternate site plans in an attempt to resolve the parking concerns, neither site plan is in conformance with the ordinances. The plan that meets the required number of parking spaces does not meet the required width of the parking space. The plan



that meets the required width of the parking space does not meet the required number of parking spaces.

A brief discussion followed with respect to the connecting sidewalks to the mall entrance.

The petitioner, Douglas Mossman of Oakland Mall LLC, 39577 Woodward Avenue, Suite 220, Bloomfield Hills, was present. Mr. Mossman said he believes the Planning Department's report contains misstatements, and is infuriated and embarrassed because of his good association with the City. Mr. Mossman stated that he has worked with Lord & Taylor for over three years on this project, as well as negotiated with the mall's current anchor stores, and noted the project is vital to the continued success and survival of Oakland Mall. He said he would continue his efforts to work with the Planning Department and the City Council to get this project under construction.

Mr. Mossman introduced representatives who have worked on the project, and circulated his correspondence to the Planning Department dated October 8, 2003. He presented a brief history and referenced original site plans of Oakland Mall.

There was a very lengthy discussion on the site plan with respect to the required parking spaces, the width of the parking spaces, the required sidewalk and its location with respect to existing trees, and the traffic study.

Steve Corcoran of Metro Transportation Group was present to give a brief review of the traffic study provided for the project. He stated his cooperation with the Planning Department's request for further information per the request of the City Traffic Engineer.

Chas Miller, Director of Construction Maintenance of Oakland Mall, 412 W. Fourteen Mile Road, Troy, was present. He reported that there are several species of trees along Fourteen Mile Road that would be affected by the location of the required sidewalk.

**Resolution # PC-2003-10-033**

Moved by: Vleck

Seconded by: Wright

**RESOLVED**, That the Preliminary Site Plan for the proposed Lord & Taylor addition to Oakland Mall, located on the north side of Fourteen Mile Road, west of John R Road, Section 35, within the B-3 zoning district is hereby granted, subject to the following conditions:

1. The applicant will provide a parking lot study per the request of the City Traffic Engineer.

2. The applicant will receive a variance for either a reduction in the size of parking spaces or for the number of parking spaces required.
3. The applicant will receive a sidewalk variance to install a 5-foot sidewalk along Fourteen Mile Road and the Commission encourages the sidewalk be placed closer to the parking lot versus closer to Fourteen Mile Road.
4. The applicant will resubmit the site plan to the Planning Commission should there be any major changes to the site plan.

Discussion on the motion.

Mr. Miller suggested that the motion on the floor be amended to read that the applicant either receives a variance for the parking and sidewalk or resolves the issues with the Planning Department.

Mr. Kramer suggested that the motion reflect that any existing trees removed for the construction of the required sidewalk are replaced elsewhere within the site plan.

The petitioner agreed with the tree replacement within the site plan.

The motion (Resolution #PC-2003-10-033) on the floor was withdrawn.

**Resolution # PC-2003-10-034**

Moved by: Vleck

Seconded by: Schultz

**RESOLVED**, That the Preliminary Site Plan for the proposed Lord & Taylor addition to Oakland Mall, located on the north side of Fourteen Mile Road, west of John R Road, Section 35, within the B-3 zoning district is hereby granted, subject to the following conditions:

1. The applicant will provide the parking lot study per the request of the City Traffic Engineer.
2. The applicant will work diligently with the Planning Department to resolve the required number of parking spaces at the correct width, **or** the applicant will obtain a variance for either the reduction of the size of the parking spaces required or for the number of parking spaces required.
3. The applicant will install the correct width of the sidewalk on the site plan, **or** receive a variance for the reduction in the size of the sidewalk to 5-foot; further, any trees removed to install the sidewalk will be replaced within the site plan; further, any connecting sidewalks or existing paved areas may be painted; and further, the Commission encourages the sidewalk be placed closer to the

parking lot versus closer to Fourteen Mile Road that would provide a buffer zone between the sidewalk and the major thoroughfare.

4. The applicant will resubmit the site plan to the Planning Commission should there be any major changes to the site plan.

Mr. Kramer said the Planning Commission should not be engineering and approving a site plan that is not before the deciding body. Mr. Kramer said he could not support a 5-foot sidewalk on a major thoroughfare because the Commission has tried very hard for very long time to get the City to require 8-foot sidewalks for all the good reasons. The argument that it is difficult for a petitioner to put in an 8-foot sidewalk bears no weight.

Chairman Littman agreed that petitioners place the Commission and City staff in difficult situations with time constraints. Chairman Littman said he is willing to bend over backwards this time because Oakland Mall is a special development with a special need.

Vote on the motion on the floor.

Yes: Littman, Schultz, Strat, Vleck, Waller, Wright  
No: Kramer, Storrs  
Absent: Chamberlain

### **MOTION CARRIED**

Mr. Storrs agrees with Mr. Kramer's discussion on sidewalks and would have preferred that the sidewalk condition be omitted from the motion.

Mr. Kramer voiced two reasons for his negative vote. (1) The Commission does not have the authority to grant a variance on a sidewalk and to review and approve a site plan that does not meet City ordinance. (2) It's not the purview of the Planning Commission to engineer details of a site plan that comes before the body during a business meeting.

Mr. Vleck encouraged the petitioner to install an 8-foot sidewalk along the entire corridor of Fourteen Mile Road.

8. SITE PLAN RENEWAL (SP 673) – Office Properties LLC, Proposed Office Building, North Side of Big Beaver, West of John R, Section 23 – O-1 and P-1

Mr. Savidant presented a summary of the Planning Department report for the proposed office building. He noted that the site plan application has not been changed since its last submittal one year ago. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Dale Garrett of Office Properties, LLC, 5877 Livernois, Troy, was present.

**Resolution # PC-2003-10-035**

Moved by: Waller

Seconded by: Wright

**RESOLVED**, That Preliminary Site Plan Approval, as requested for Office Properties LLC, proposed office building, located on the north side of Big Beaver Road and west of John R Road, located in section 23, within the O-1 zoning district is hereby granted, subject to the following conditions:

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

9. SITE PLAN REVIEW (SP 645) – Wilson Real Estate Building, Proposed Office Building, Northeast Side of Butterfield, South of Big Beaver, Section 29 – O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed office building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

David Tremonti of Oliver/Hatcher Construction, 49668 Martin Drive, Wixom, was present to represent the petitioner. Mr. Tremonti presented a color rendering of the proposed development, and noted the site plan is a duplicate plan that received preliminary site plan approval in 2001.

Mr. Kramer questioned the location of the handicapped parking spaces and the dumpster enclosure.

Mr. Tremonti responded that the handicapped parking designations are located on the north side of the building as a result of the grading on site. He stated the dumpster enclosure is located on the southeast corner and noted that an additional dumpster enclosure located on the northeast corner is used by the adjacent office development.

**Resolution # PC-2003-10-036**

Moved by: Wright

Seconded by: Schultz

**RESOLVED**, That Preliminary Site Plan Approval as requested for Wilson Real Estate Building located on the northeast side of Butterfield, south of Big Beaver Road, located in section 29, within the O-1 zoning district is hereby granted.

Yes: All present (8)  
No: None  
Absent: Chamberlain

### **MOTION CARRIED**

10. SITE PLAN REVIEW (SP 899) – Automation Alley Technical Center, Proposed Office / Research Building, South of Big Beaver, West Side of Bellingham, Section 26 – R-C

Mr. Savidant presented a summary of the Planning Department report for the proposed Automation Alley Technical Center. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the applicant receiving a parking variance and the provision of a 24-foot wide cross access easement connection with the property to the north, on the western half of the parcel. Mr. Savidant said a Public Hearing for the parking variance has been scheduled on the October 27, 2003 City Council meeting.

Mr. Miller apologized for not making it clear in the Planning Department's report that the approval of the site plan is at the Commission's discretion. The site plan as submitted does not meet the zoning ordinance, and it is not a practice of the Planning Department to ask the Commission's approval on items that are contingent to receiving variances.

Mr. Storrs asked if the Planning Department has any concerns should there be a use change in the proposed oval gathering area.

Mr. Miller responded that the oval gathering area is considered an assembly place - not office -- and is a very high parking generator. In the parking computations done by the Building and Zoning Director, the count of required parking would have been less if it had been designated office space.

Alex Smith of Barton Malow Design, 26500 American Drive, Southfield, was present to represent Automation Alley. Mr. Smith said there is no problem meeting both contingencies requested by the Planning Department.

#### **Resolution # PC-2003-10-037**

Moved by: Wright  
Seconded by: Storrs

**RESOLVED**, That Preliminary Site Plan Approval as requested for Automation Alley Technical Center located on the west side of Bellingham, south of Big Beaver Road, located in section 26, within the RC zoning district, is hereby granted, subject to the following conditions:

1. The applicant must receive a parking variance for 81 spaces from City Council in order to meet the off-street parking space requirement of 151 spaces.
2. Provide a 24-foot wide cross access easement connection with the property to the north, on the western half of the parcel.

Yes: Kramer, Littman, Schultz, Storrs, Strat, Waller, Wright  
No: Vleck  
Absent: Chamberlain

### **MOTION CARRIED**

Mr. Vleck said he would have preferred more information on the justification for the parking space variance.

11. SITE PLAN REVIEW (SP 900) – National Business Systems, Proposed Office / Storage Building, South of Big Beaver, West Side of Bellingham, Section 26 – R-C

Mr. Savidant presented a summary of the Planning Department report for the proposed National Business Systems building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

It was noted by the Planning Department and confirmed that the final engineering drawing would designate the centerline cross access to extend northward.

The petitioner, Robert Shephard of 2139 Austin Driver, Rochester Hills, was present.

### **Resolution # PC-2003-10-038**

Moved by: Vleck  
Seconded by: Strat

**RESOLVED**, That the Site Plan Approval as requested by National Business Systems, located on the west side of Bellingham, south side of Big Beaver Road, within section 26, within the RC zoning district is hereby granted.

Yes: All present (8)  
No: None  
Absent: Chamberlain

### **MOTION CARRIED**

12. PROPOSED ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 12.50, R-1T ONE FAMILY ATTACHED RESIDENTIAL DISTRICTS (ZOTA #182) and PROPOSED ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 03.40, SITE PLAN REVIEW / APPROVAL (ZOTA #199)

Chairman Littman provided the Commission with a draft resolution to be considered by the City Council with respect to the proposed zoning ordinance text amendments for One Family Attached Residential Districts and Site Plan Review / Approval.

**Resolution # PC-2003-10-039**

Moved by: Littman

Seconded by: Vleck

**RESOLVED**, That based upon the knowledge and commitment to excellence of the Planning Commission, we formally voice our concerns to the 'staff revisions' contained in the memos dated September 30, 2003 to Mayor and City Council regarding Announcement of Public Hearing (October 27, 2003) – Zoning Ordinance Text Amendment for Section 12.50, R1-T One Family Residential District (ZOTA #182) and October 1, 2003 memo to Mayor and City Council regarding Announcement of Public Hearing (October 27, 2003) – Zoning Ordinance Text Amendment for Section 03.40, Site Plan Review / Approval (ZOTA #199). Specific examples of areas of concern are:

1. With the development of small in-fill developments in R1-T throughout the City, there is a serious issue with the developers not providing any areas for the placement of snow during our winter season. The Planning Commission feels that it is reasonable for the petitioner to provide delineation of area(s) on the site plan for the loading of snow so that roadways (private and public), walkways and/or parking areas remain usable. Additionally, it is our consensus that the parking requirements for this district are insufficient. The complete recommendations of the Planning Commission can be found in the Proposed Zoning Ordinance Text Amendment (ZOTA #182) as recommended by Planning Commission on December 10, 2002.
2. It is the consensus of the Planning Commission that initial site plans cannot be adequately reviewed without the topography of the site in question, and surrounding properties, is provided. There are many examples of water, drainage and elevation issues that exist after the development is built that are worse than they were prior to the new development. The Planning Commission, although aware of and highly concerned about these issues, is not provided the tools required to address them at initial site plan approval. It would be in the best interest of the City, the Petitioner, and surrounding property owners if these issues could be addressed by the Planning Commission at the time of initial Site Plan Approval instead of being handled 'administratively' after the fact. The complete recommendations of the Planning Commission can be found in the

Proposed Zoning Ordinance Text Amendment (ZOTA 199) as recommended by Planning Commission on May 13, 2003.

***BE IT FURTHER RESOLVED***, That if Staff's recommendation differs from that of the Planning Commission, said Commission should be afforded the opportunity to have a representative present at the City Council meeting to explain and defend the Commission's rationale for their recommendations.

Yes: All present (8)  
No: None  
Absent: Chamberlain

**MOTION CARRIED**

### **GOOD OF THE ORDER**

Mr. Storrs said he feels the PUD process should be streamlined.

Chairman Littman reminded Mr. Storrs that the PUD process is a suggested discussion item with City Council.

Mr. Kramer said that minimum site plan size and sidewalks are two of his concerns with respect to the PUD process.

Mr. Waller announced that October 18<sup>th</sup> marks his 10-year anniversary with the Planning Commission.

The Commission congratulated Mr. Waller.

Mr. Schultz announced that he completed the Citizens Planners Workshop last Monday. He also said that he is in possession of the Novi ordinances and would forward them to the Planning Department.

### **ADJOURN**

The Regular Meeting of the Planning Commission was adjourned at 11:40 p.m.



Respectfully submitted,

---

Lawrence Littman, Chairman

---

Kathy L. Czarnecki, Recording Secretary

G:\MINUTES\2003 PC Minutes\Draft\10-14-03 Regular Meeting\_Draft.doc

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on October 14, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Dennis A. Kramer  
Lawrence Littman  
Robert Schultz  
Walter Storrs  
Thomas Strat  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Absent:

Gary Chamberlain

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Richard K. Carlisle, Carlisle/Wortman Associates  
Amalfi Parker, Student Representative  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2003-10-027**

Moved by: Schultz

Seconded by: Vleck

**RESOLVED**, That Mr. Chamberlain be excused from attendance at this meeting.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

2. PUBLIC COMMENTS

There was no one present who wished to speak.

**TABLED ITEMS**

3. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

Mr. Miller reported that it is the recommendation of the Planning Department to postpone the Public Hearing for indoor commercial recreation uses in the M-1 District. He explained the postponement would allow time for the Planning Commission to arrive at a fair assessment of the issue, based on an analysis of the M-1 District and the Maple Road Corridor.

Kenneth Posner of 6960 Orchard Lake Road, West Bloomfield, was present to represent the petitioner. Mr. Posner noted that the intent of the request is to permit all types of recreational uses in the M-1 zoning district, not particularly the arts and dance studio. Mr. Posner stated the petitioner has no objection to tabling the matter.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED****Resolution # PC-2003-10-028**

Moved by: Kramer

Seconded by: Wright

**RESOLVED**, That the Zoning Ordinance Text Amendment (ZOTA 201) requested by The Link School for the Arts is hereby tabled for six (6) months to the April 13, 2004 Regular Meeting, to allow sufficient study of the Maple Road Corridor and abutting industrial areas and the M-1 Light Industrial District.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North Side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed Sterling Corporate Center PUD. Mr. Miller reported that it is the recommendation of the Planning Department to approve the PUD.

Mr. Carlisle, Planning Consultant, presented a summary of his report on the proposed PUD. He noted that as a result of extensive discussions among the petitioner, Planning Department, City staff and himself, all original concerns have been addressed. Mr. Carlisle gave an overview of the recent revisions to the plan that have made it an acceptable Planned Unit Development project; i.e., extensive streetscape and pedestrian walkability improvements, a restaurant attached to the parking structure, storm water retention and landscaping improvements, and quality building materials. It is the recommendation of Mr. Carlisle to approve the PUD.

The petitioner, Peter Burton of Burton Katzman Development Company, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. Burton said it has been three years of working together with City staff, politicians, the Planning Commission and the Planning Consultant to create the PUD document. The PUD ordinance has been achieved to create a project that fits a vision of the City of Troy from a planning perspective as well as maximizing value. Mr. Burton said the project would be one of which everyone can be proud, and he looks forward to working with the community in seeing the project to its fruition.

Mr. Strat asked the petitioner why cross sections of the pedestrian walkway and parking lot have not been provided as requested by the Commission.

Chuck DiMaggio of Burton Katzman was present. Mr. DiMaggio responded that a cross section prepared by the project engineer was discussed at a previous study session, at which time it was attempted to address Mr. Strat's concerns. He stated that a total depression of the parking area could not be accomplished because of the complexities involved with the storm water drainage system and handicapped facilities from the parking spaces up to the level of the building. Mr. DiMaggio said that Mr. Strat's suggestions were seriously considered and believes they have been addressed meaningfully.

Mr. Strat commented that no documentation has been provided to the fact that the depression of the parking lot could not be accomplished due to the underground water retention.

Mr. Burton responded that the project engineers have tried to their greatest extent to accomplish the depression of the parking lot, as suggested by Mr. Strat, and wanted to go on record to state that they would continue to work on improving that concept.

Mr. Kramer questioned the proposed landscaping on the MDOT property within the I-75 Interstate cloverleaf.

Mr. Burton stated that there is no way to assure MDOT's commitment to the landscaping, but Burton Katzman promises to work together with the City to get the landscaping. Mr. Burton said that in the event MDOT does not achieve the landscaping, Burton Katzman has committed to donate to the City the equivalent dollar amount of the landscaping for other improvements along Big Beaver Road.

Mr. DiMaggio stated that contacts with MDOT relative to landscaping the cloverleaf have led Burton Katzman to believe it is achievable. Mr. DiMaggio said a permit application has been submitted to MDOT.

Mr. Miller reported the preliminary plan includes the I-75 cloverleaf landscaping, and the plan would have to be considered again should MDOT not commit to the landscaping prior to final plan approval. Mr. Miller said he is comfortable with the proposal at this time because of the commitment made by Burton Katzman in their September 7, 2003 communication.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

Mr. Storrs said he initially thought and still thinks the proposed development does not qualify under the PUD ordinance, even with the substantial changes and improvements that have recently been made. He cited that the development fails six of the eight objectives under the *Intent* and believes the proposed improvements do not justify the 70% increase in office density. Further, Mr. Storrs said that the development fails three out of the five objectives under *Eligibility*, as well as failing some of the General Development standards. Mr. Storrs said he would like to see a more aggressive mixed-use development on the site.

#### **Resolution # PC-2003-10-029**

Moved by: Waller

Seconded by: Wright

**RESOLVED**, That the Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development (PUD – 3), located on the north side of Big Beaver Road and on the west side of I-75, located in section 21, within the O-S-C zoning district, being 5.91 acres in size, is hereby recommended for approval by the Planning Commission.

**BE IT FURTHER RESOLVED**, the proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.1, the applicant demonstrated quality objectives such as those referred to in Section 35.30.00-B-2. In the earlier submissions, the applicant relied heavily upon these standards primarily related to the building in order to justify the PUD. The revised plan places more emphasis on site improvements that will set a positive tone for the Big Beaver corridor. Furthermore, the applicant has provided a concept plan and committed to fund a more detailed design plan for the Big Beaver Corridor.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.2, the applicant provides a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare. The project has been represented as “mixed use” in nature. The applicant has indicated in previous documentation that the ground floor will be reserved for commercial uses, including restaurants, health facilities, sundry shops, apparel shops, etc. All of these proposed uses are permitted in the underlying O-S-C zoning district. While the restaurant, fronting on Wilshire Drive furthers the case for mixed use on the site, in that it would not be permitted in the underlying O-S-C zoning district.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The improvements to the I75 exit ramp cloverleaf, titled the “Gateway Treatment”, and Wilshire Drive are identified public improvements as required. In addition, street trees and pedestrian paving were added to the center median of Wilshire Drive and at the east side of Wilshire near the Big Beaver intersection.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.4, traffic congestion on the site was previously improved with the removal of the northeast entry into the garage, the widened exit at the bank drive-thru, the enlarged truck loading area and the additional exit lane at the main entrance to the site. The traffic impact study has been provided, and the applicant has indicated that all recommendations of the plan will be carried out including lane improvements on Big Beaver Road. Additional modifications have been made to the boulevard access and valet drop-off at the request of the City.

**BE IT FURTHER RESOLVED**, Pursuant to Article 35.30.00.C.7, the PUD is generally in compliance with the Future Land Use Plan. The Future Land Use Plan does not specifically contemplate a development which is significantly greater than the intended intensity of the site. Given the location of the site and its relationship to surrounding land use, a building of this size, height and intensity would be appropriate, provided there are sufficient benefits afforded by the PUD.

**BE IT FURTHER RESOLVED**, that the Preliminary Planned Unit Development consist of a project manual, dated September 2 2003, which contains narratives, reduced plans, and full size plans, including the following:

Project Manual – Dated and Stamped September 2, 2003

Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan
Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan

Sheet L-2	Gateway Landscape Plan
Sheet L-3	Preliminary Streetscape Plan
Sheet L-4	I-75 Section Plan
Sheet L-5	Big Beaver Road Urban Design Concept Sketch
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan
Sheet A-101	Lower & Second Level Plan
Sheet A-102	Third & Fourth Level Plan
Sheet A-200	North and South Elevations
Sheet A-201	East and West Elevations (stamped October 9, 2003)
Sheet A-202	Building Sign Elevations and Details (stamped October 9, 2003)
Sheet A-203	Building Sign Elevations
Sheet A-300	Building Sections
Sheet L-100	Site Lighting Plan
Sheet L-200	Site Lighting Photometric Plan
Sheet L-300	Building Lighting Plan
Sheet AR-1	Big Beaver Road Photographic Elevation (day)
Sheet AR-2	Big Beaver Road Elevation (night)
Sheet AR-3	North and South Elevations
Sheet AR-4	East and West Elevations
Sheet AR-5	City Wide Elevation
Sheet AR-6	Plaza Perspective
Sheet AR-7	Wilshire Drive Building Perspective
Sheet AR-8	Parking Structure Enlarged Elevations
Sheet AR-9	Building Material Examples
Sheet AR-10	Building Material Samples

Full Size Plans (Stamped by Planning Dept. - Revised Sept. 3, 2003):

Sheet P-1	Cover Sheet
Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan
Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan
Sheet L-2	Gateway Landscape Plan
Sheet L-4	I-75 Section Plan
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan
Sheet A-101	Lower & Second Level Plan
Sheet A-102	Third & Fourth Level Plan
Sheet A-103	Floor Plans
Sheet A-200	North and South Elevations
Sheet A-201	East and West Elevations (stamped October 9, 2003)
Sheet A-202	Building Sign Elevations and Details (stamped October 9, 2003)
Sheet A-203	Building Sign Elevations
Sheet A-300	Building Sections
Sheet L-100	Site Lighting Plan

Sheet L-200      Site Lighting Photometric Plan  
Sheet L-300      Building Lighting Plan

***BE IT FINALLY RESOLVED***, That

1. The lower level of the building exterior (dark material) shall be all granite.
2. Uplighting all four sides of underside of pagoda style roof shall be allowed.
3. No illuminated signage on high-rise building on north or west side above 4<sup>th</sup> floor (ground floor plus 3 floors). Exterior signage for the restaurant located alongside the west side of the parking deck is allowed.
4. Parking structure has horizontal bars in open spaces (same as building).
5. If MDOT agrees, landscaping shall be provided along east edge of property on MDOT property, between the I-75 off-ramp and the property line plus in the Northwest cloverleaf of I-75 immediately east of the property. In addition, irrigation and/or lawn sprinklers will be provided on the MDOT property, with water being provided from the Sterling Bank site at no cost to MDOT or the City of Troy. Further, all maintenance and winterizing of the irrigation and/or lawn sprinklers on MDOT property will be the responsibility of Sterling Bank and/or Burton Katzman. If the above cannot be accomplished, then a cash payment to the City of Troy for alternate landscaping to the west of the site shall be provided of equivalent value of the landscaping proposed, due within six months of construction start.
6. Rooftop gardens concept shall be encouraged for the following locations:  
2nd level at building access to parking deck  
top of building (adjacent to top two floors)  
top of parking structure (partial)  
  
If the rooftop gardens concept is utilized, the square footage allocated shall be considered in all calculations for landscaping, open space and green space.
7. Electrical connections shall be provided and maintained for a future gateway sign.
8. For Wilshire Boulevard, landscaping shall be provided in the median.
9. Commitments made to two neighboring subdivision shall be honored.
10. To allow maximum visibility of the front of the building, incorporate into the design for the front plaza area the lowest possible practical elevation for the parking and lower as much as possible the berm adjacent to the Big Beaver sidewalk.



11. The proposed urban sidewalk design shall be included. Consideration should be given to providing useful and decorative low level pedestrian scale lighting along Big Beaver Road.
12. For the fire service road to the north and east of the parking structure, consideration should be given for use of an open grid type paver for road construction. This would allow grass to grow in the open spaces and water to permeate.

Discussion.

Mr. Vleck suggested the motion request the petitioner to provide a side elevation plan that shows the building elevation, the front parking elevation and the Big Beaver Road elevation.

The Commission was in agreement.

Mr. Strat suggested the motion include pedestrian scale lighting along Wilshire Boulevard, as well as Big Beaver Road.

The Commission was in agreement.

Mr. Schultz suggested the motion include pedestrian scale lighting to be extended to the north property line of the project to give a cohesive finished appearance to the entire site (Concept Plan L-3).

The Commission was in agreement.

Discussion followed with respect to commitments made to the neighboring residents and the exterior illumination of the project.

**Resolution # PC-2003-10-030**

Moved by: Vleck

Seconded by: Storrs

**RESOLVED**, That item #9, "Commitments made to two neighboring subdivisions shall be honored" be deleted from the motion (Resolution #PC-2003-10-029).

Yes: Kramer, Littman, Storrs, Vleck, Wright

No: Schultz, Strat, Waller

Absent: Chamberlain

**MOTION CARRIED**

Vote on the motion (Resolution #PC-2003-10-029), as amended to read as follows.

***BE IT FURTHER RESOLVED***, That

1. The lower level of the building exterior (dark material) shall be all granite.
2. Uplighting all four sides of the underside of pagoda style roof shall be allowed.
3. No illuminated signage on high-rise building on north or west side above the 4<sup>th</sup> floor (ground floor plus 3 floors). Exterior signage for the restaurant located alongside the west side of the parking structure is allowed.
4. Parking structure has horizontal bars in open spaces, the same as the building.
5. If MDOT agrees, landscaping shall be provided along east edge of property on MDOT property, between the I-75 off-ramp and the property line plus in the northwest cloverleaf of I-75 immediately east of the property. In addition, irrigation and/or lawn sprinklers will be provided on the MDOT property, with water being provided from the Sterling Bank site at no cost to MDOT or the City of Troy. Further, all maintenance and winterizing of the irrigation and/or lawn sprinklers on MDOT property will be the responsibility of Sterling Bank and/or Burton Katzman. If the above cannot be accomplished, then a cash payment to the City of Troy for alternate landscaping to the west of the site shall be provided of equivalent value of the landscaping proposed, due within six months of construction start.
6. Rooftop gardens concept shall be encouraged for the following locations:  
2nd level at building access to parking structure  
top of building (adjacent to top two floors)  
top of parking structure (partial)  
  
If the rooftop gardens concept is utilized, the square footage allocated shall be considered in all calculations for landscaping, open space and green space.
7. Electrical connections shall be provided and maintained for a future gateway sign.
8. For Wilshire Boulevard, landscaping shall be provided in the median.
9. To allow maximum visibility of the front of the building, incorporate into the design for the front plaza area the lowest possible practical elevation for the parking and lower as much as possible the berm adjacent to the Big Beaver sidewalk.
10. The proposed urban sidewalk design shall be included and extended to the north property line along Wilshire Boulevard. Consideration should be given to

providing useful and decorative low level pedestrian scale lighting along Big Beaver Road and Wilshire Boulevard.

11. For the fire service road to the north and east of the parking structure, consideration should be given for use of an open grid type paver for road construction. This would allow grass to grow in the open spaces and water to permeate.
12. The Petitioner shall provide a side elevation drawing of the front of the building, including Big Beaver Road. This drawing shall be provided with the Troy City Council submission.

Yes: Kramer, Littman, Schultz, Strat, Vleck, Waller, Wright  
No: Storrs  
Absent: Chamberlain

### **MOTION CARRIED**

Chairman Littman stated that he is in agreement with Mr. Storrs' comments on the increased office density, but feels the development will be an attractive asset to a location that has been blighted for years.

Mr. DiMaggio expressed his appreciation to both the Commission and staff.

Mr. Storrs stated his findings are that the proposed PUD fails six of the eight objectives in the *Intent (35.10.00)* section, and that it also fails the objective that the provisions are not intended to be used as a device for avoiding the applicable zoning requirements. Mr. Storrs stated the proposed PUD fails three of five identified objectives in the *Eligibility (35.30.00 D.3.C)* section, as well as failing a number of General Development Standards. Mr. Storrs said he would like to see a much more aggressive use of mixed use, and feels a residential component is needed at that site.

### **SUBDIVISION**

5. **TENTATIVE PRELIMINARY PLAT** – Proposed Wyngate of Troy Subdivision, 74 Lots Proposed, North of Square Lake, East Side of Coolidge, Section 5- R-1B

Mr. Miller presented a summary of the Planning Department report for the proposed Wyngate Subdivision. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Tentative Preliminary Plat application as submitted.

Mr. Miller addressed the Commission's questions with respect to storm water retention, ingress and egress lanes, and pedestrian improvements. It was agreed

to clarify that an 8-foot concrete sidewalk would be provided between lots 20 and 21.

Chairman Littman thanked the petitioner for holding an informational meeting for residents prior to tonight's meeting.

Robert Beaugrand, project manager from Atwell-Hicks, Inc., 7927 Nemco Way, Brighton, was present. Mr. Beaugrand gave a presentation with respect to the history of the site, lot size, storm water management, wetlands, interconnectivity with adjacent subdivisions, general land flow, boulevard entrance, pedestrian pathway and sidewalks.

Mr. Beaugrand responded to additional questions from the Commission relating to the detention pond, storm water retention and design of swale.

John DePorre of Pulte Homes, 26622 Woodward Avenue, Royal Oak, was also present.

Chairman Littman opened the floor for public comment.

Maureen Lucas of 6260 Country Ridge Drive, Troy, was present. Ms. Lucas expressed her concerns with the additional traffic that would result from opening up the road to the proposed subdivision.

Chairman Littman encouraged Ms. Lucas to contact the City Traffic Engineer and request the City's consideration in providing traffic calming devices in the area.

Mr. Waller encouraged the residents to contact the City Council members with their concerns, as City Council has the final approval of the proposed subdivision.

Don Czerniewski of 1811 Buckthorn Court, Troy, was present. Mr. Czerniewski expressed his concerns with the amount of water that sits on the northern border of the site. Mr. Czerniewski asked for clarification on the storm water management and the proposed walkway along the northern border.

The floor was closed.

Mr. Beaugrand gave a detailed explanation of the storm water management on the site. He said the water, from gravity flow, would be collected in centralized storm water pipes, piped through the subdivision and ultimately discharged into the pond. He noted a small portion of the water would be diverted to one of the sedimentation vaults. Mr. Beaugrand said that legally storm water could not be discharged at a higher rate than it is currently being discharged.

Mr. Beaugrand further explained that there are three 8-foot concrete sidewalks proposed in the development. One sidewalk would connect from the cul-de-sac to the north to the existing Forest Creek Subdivision. The 8-foot concrete sidewalk

would extend along Coolidge, and an 8-foot concrete sidewalk is proposed within the 20-foot pedestrian easement connecting to Fire Fighters Park. Mr. Beaugrand explained that the City requested a 5-foot wide wood chip path to connect from Coolidge along the northern border and into the existing path system of Fire Fighters Park. Mr. Beaugrand confirmed that storm water throughout the development would be managed well and that the residents would not end up with more water after completion of the development. Mr. Beaugrand also said it is their intent is to dedicate the open space and wetland area to the city.

**Resolution # PC-2003-10-031**

Moved by: Kramer

Seconded by: Schultz

**RESOLVED**, That the Planning Commission recommends to City Council that the Preliminary Plat for the Tentative Approval as requested for Wyngate of Troy Subdivision, including 74 lots, located on the east side of Coolidge Highway and north of Square Lake Road, within Section 5, and the R-1B zoning district be granted, subject to the following conditions:

1. The subdivision is developed per the drawing before the Commission this evening.
2. That two 8-foot paved concrete walkways exist; one on the northwest corner of the site and one to the east connecting to Fire Fighters Park.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

\_\_\_\_\_  
Chairman Littman requested a recess at 9:25 p.m.

The meeting reconvened at 9:37 p.m.  
\_\_\_\_\_

**STREET VACATION REQUEST**

6. PUBLIC HEARING – STREET VACATION REQUEST (SV-184) – Crestfield Avenue between Hanover and Tallman, and Tallman Drive, abutting Lots 64, 65 and 192 of Crestfield Subdivision, North of Wattles, East of Livernois, Section 15 – R-1C

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request with the conditions of the retention of all necessary easements as required by the City of Troy, the dedication of the necessary right-of-way for Wattles and Hanover, and the dedication of future right-of-way for the Crestwood Site Condominium.

Mr. Miller reported that the developer has expressed an interest in changing the layout of the development that may require the plan to go through the approval process again. Mr. Miller suggested the Commission could go forward with the street vacation recommendation contingent that it is necessary to vacate a road prior to any development.

Mr. Storrs asked if the Planning Department is concerned about easements associated with new development.

Mr. Miller explained that the vacation takes place after the City conducts a research on the necessary easements and City Council approves an authorizing resolution.

The petitioner, Michael Lamb of RWT Building, 2065 Livernois, Troy, was present. Mr. Lamb stated that he owns the entire property abutting the proposed vacation. He said easements for the existing public utilities would be reserved and relocated, if necessary, within the development. Mr. Lamb said that the Hanover right-of-way has been dedicated, and noted that the ultimate right-of-way of Livernois has been designated in the plans.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

#### **Resolution # PC-2003-10-032**

Moved by: Wright

Seconded by: Vleck

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Crestfield Avenue, between Hanover and Tallman, and Tallman Drive, abutting Lots 64, 65, and 192 of Crestfield Subdivision, North of Wattles, East of Livernois, in Section 15, being zoned R-1C, be approved, subject to the following conditions:

1. Retention of all necessary easements as required by the City of Troy.
2. Dedication of Wattles and Hanover ultimate right-of-way.

3. Dedication of future right-of-way for the proposed Crestwood Site Condominium.

Yes: All present (8)  
No: None  
Absent: Chamberlain

**MOTION CARRIED**

**SITE PLANS**

Chairman Littman announced that the following site plans require five affirmative votes this evening, and in light of the fact that there is one member absent, a petitioner has the right to request tabling his/her request until a full board is present.

7. SITE PLAN REVIEW (SP 38-E) – Lord & Taylor, Proposed Addition to Oakland Mall, Northwest Corner of John R and Fourteen Mile Road, Section 35 – B-3

Mr. Savidant presented a summary of the Planning Department report for the proposed Lord & Taylor Store at Oakland Mall. Mr. Savidant reported that it is the recommendation of the Planning Department to table the site plan approval request for 30 days to allow time to resolve the outstanding issues, as listed.

- (1) The two alternate site plans show different designs and different number tabulation for off-street parking.
- (2) The applicant has not provided a sufficient parking study as required by the City Traffic Engineer.
- (3) Based on one of the site plans submitted, the applicant is 13 spaces short of meeting the off-street parking space requirement as set forth in the City Council variance of April 28, 2003.
- (4) The applicant has provided only a 5-foot wide sidewalk along Fourteen Mile Road when an 8-foot wide sidewalk is standard.
- (5) The site is non-conforming in terms of 5-foot wide connecting sidewalks that would provide connecting sidewalks from all major mall entrances to the abutting major thoroughfares.

Mr. Savidant noted that the Commission received a memorandum addressing the correction to the Resolution passed by City Council with respect to the parking variance received by the petitioner. The correct amount of parking spaces for which the petitioner has been granted is 1,106. He noted that the site plan is substandard also in terms of parking space width.

Mr. Savidant reported that although the petitioner has submitted two alternate site plans in an attempt to resolve the parking concerns, neither site plan is in conformance with the ordinances. The plan that meets the required number of parking spaces does not meet the required width of the parking space. The plan

that meets the required width of the parking space does not meet the required number of parking spaces.

A brief discussion followed with respect to the connecting sidewalks to the mall entrance.

The petitioner, Douglas Mossman of Oakland Mall LLC, 39577 Woodward Avenue, Suite 220, Bloomfield Hills, was present. Mr. Mossman said he believes the Planning Department's report contains misstatements, and is infuriated and embarrassed because of his good association with the City. Mr. Mossman stated that he has worked with Lord & Taylor for over three years on this project, as well as negotiated with the mall's current anchor stores, and noted the project is vital to the continued success and survival of Oakland Mall. He said he would continue his efforts to work with the Planning Department and the City Council to get this project under construction.

Mr. Mossman introduced representatives who have worked on the project, and circulated his correspondence to the Planning Department dated October 8, 2003. He presented a brief history and referenced original site plans of Oakland Mall.

There was a very lengthy discussion on the site plan with respect to the required parking spaces, the width of the parking spaces, the required sidewalk and its location with respect to existing trees, and the traffic study.

Steve Corcoran of Metro Transportation Group was present to give a brief review of the traffic study provided for the project. He stated his cooperation with the Planning Department's request for further information per the request of the City Traffic Engineer.

Chas Miller, Director of Construction Maintenance of Oakland Mall, 412 W. Fourteen Mile Road, Troy, was present. He reported that there are several species of trees along Fourteen Mile Road that would be affected by the location of the required sidewalk.

**Resolution # PC-2003-10-033**

Moved by: Vleck

Seconded by: Wright

**RESOLVED**, That the Preliminary Site Plan for the proposed Lord & Taylor addition to Oakland Mall, located on the north side of Fourteen Mile Road, west of John R Road, Section 35, within the B-3 zoning district is hereby granted, subject to the following conditions:

1. The applicant will provide a parking lot study per the request of the City Traffic Engineer.



2. The applicant will receive a variance for either a reduction in the size of parking spaces or for the number of parking spaces required.
3. The applicant will receive a sidewalk variance to install a 5-foot sidewalk along Fourteen Mile Road and the Commission encourages the sidewalk be placed closer to the parking lot versus closer to Fourteen Mile Road.
4. The applicant will resubmit the site plan to the Planning Commission should there be any major changes to the site plan.

Discussion on the motion.

Mr. Miller suggested that the motion on the floor be amended to read that the applicant either receives a variance for the parking and sidewalk or resolves the issues with the Planning Department.

Mr. Kramer suggested that the motion reflect that any existing trees removed for the construction of the required sidewalk are replaced elsewhere within the site plan.

The petitioner agreed with the tree replacement within the site plan.

The motion (Resolution #PC-2003-10-033) on the floor was withdrawn.

**Resolution # PC-2003-10-034**

Moved by: Vleck

Seconded by: Schultz

**RESOLVED**, That the Preliminary Site Plan for the proposed Lord & Taylor addition to Oakland Mall, located on the north side of Fourteen Mile Road, west of John R Road, Section 35, within the B-3 zoning district is hereby granted, subject to the following conditions:

1. The applicant will provide the parking lot study per the request of the City Traffic Engineer.
2. The applicant will work diligently with the Planning Department to resolve the required number of parking spaces at the correct width, **or** the applicant will obtain a variance for either the reduction of the size of the parking spaces required or for the number of parking spaces required.
3. The applicant will install the correct width of the sidewalk on the site plan, **or** receive a variance for the reduction in the size of the sidewalk to 5-foot; further, any trees removed to install the sidewalk will be replaced within the site plan; further, any connecting sidewalks or existing paved areas may be painted; and further, the Commission encourages the sidewalk be placed closer to the

parking lot versus closer to Fourteen Mile Road that would provide a buffer zone between the sidewalk and the major thoroughfare.

4. The applicant will resubmit the site plan to the Planning Commission should there be any major changes to the site plan.

Mr. Kramer said the Planning Commission should not be engineering and approving a site plan that is not before the deciding body. Mr. Kramer said he could not support a 5-foot sidewalk on a major thoroughfare because the Commission has tried very hard for a very long time to get the City to require 8-foot sidewalks for all the good reasons. The argument that it is difficult for a petitioner to put in an 8-foot sidewalk bears no weight.

Chairman Littman agreed that petitioners place the Commission and City staff in difficult situations with time constraints. Chairman Littman said he is willing to bend over backwards this time because Oakland Mall is a special development with a special need.

Vote on the motion on the floor.

Yes: Littman, Schultz, Strat, Vleck, Waller, Wright  
No: Kramer, Storrs  
Absent: Chamberlain

### **MOTION CARRIED**

Mr. Storrs agrees with Mr. Kramer's discussion on sidewalks and would have preferred that the sidewalk condition be omitted from the motion.

Mr. Kramer voiced two reasons for his negative vote. (1) The Commission does not have the authority to grant a variance on a sidewalk and to review and approve a site plan that does not meet City ordinance. (2) It's not the purview of the Planning Commission to engineer details of a site plan that comes before the body during a business meeting.

Mr. Vleck encouraged the petitioner to install an 8-foot sidewalk along the entire corridor of Fourteen Mile Road.

Mr. Schultz requested information on specifically what the Traffic Engineer's request was for the parking study for the Lord & Taylor site.

8. SITE PLAN RENEWAL (SP 673) – Office Properties LLC, Proposed Office Building, North Side of Big Beaver, West of John R, Section 23 – O-1 and P-1

Mr. Savidant presented a summary of the Planning Department report for the proposed office building. He noted that the site plan application has not been

changed since its last submittal one year ago. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Dale Garrett of Office Properties, LLC, 5877 Livernois, Troy, was present.

**Resolution # PC-2003-10-035**

Moved by: Waller

Seconded by: Wright

**RESOLVED**, That Preliminary Site Plan Approval, as requested for Office Properties LLC, proposed office building, located on the north side of Big Beaver Road and west of John R Road, located in section 23, within the O-1 zoning district is hereby granted, subject to the following conditions:

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

9. SITE PLAN REVIEW (SP 645) – Wilson Real Estate Building, Proposed Office Building, Northeast Side of Butterfield, South of Big Beaver, Section 29 – O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed office building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

David Tremonti of Oliver/Hatcher Construction, 49668 Martin Drive, Wixom, was present to represent the petitioner. Mr. Tremonti presented a color rendering of the proposed development, and noted the site plan is a duplicate plan that received preliminary site plan approval in 2001.

Mr. Kramer questioned the location of the handicapped parking spaces and the dumpster enclosure.

Mr. Tremonti responded that the handicapped parking designations are located on the north side of the building as a result of the grading on site. He stated the dumpster enclosure is located on the southeast corner and noted that an additional dumpster enclosure located on the northeast corner is used by the adjacent office development.

**Resolution # PC-2003-10-036**

Moved by: Wright

Seconded by: Schultz

**RESOLVED**, That Preliminary Site Plan Approval as requested for Wilson Real Estate Building located on the northeast side of Butterfield, south of Big Beaver Road, located in section 29, within the O-1 zoning district is hereby granted.

Yes: All present (8)  
No: None  
Absent: Chamberlain

**MOTION CARRIED**

10. SITE PLAN REVIEW (SP 899) – Automation Alley Technical Center, Proposed Office / Research Building, South of Big Beaver, West Side of Bellingham, Section 26 – R-C

Mr. Savidant presented a summary of the Planning Department report for the proposed Automation Alley Technical Center. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the applicant receiving a parking variance and the provision of a 24-foot wide cross access easement connection with the property to the north, on the western half of the parcel. Mr. Savidant said a Public Hearing for the parking variance has been scheduled on the October 27, 2003 City Council meeting.

Mr. Miller apologized for not making it clear in the Planning Department's report that the approval of the site plan is at the Commission's discretion. The site plan as submitted does not meet the zoning ordinance, and it is not a practice of the Planning Department to ask the Commission's approval on items that are contingent to receiving variances.

Mr. Storrs asked if the Planning Department has any concerns should there be a use change in the proposed oval gathering area.

Mr. Miller responded that the oval gathering area is considered an assembly place - not office -- and is a very high parking generator. In the parking computations done by the Building and Zoning Director, the count of required parking would have been less if it had been designated office space.

Alex Smith of Barton Malow Design, 26500 American Drive, Southfield, was present to represent Automation Alley. Mr. Smith said there is no problem meeting both contingencies requested by the Planning Department.

**Resolution # PC-2003-10-037**

Moved by: Wright  
Seconded by: Storrs

**RESOLVED**, That Preliminary Site Plan Approval as requested for Automation Alley Technical Center located on the west side of Bellingham, south of Big Beaver Road,

located in section 26, within the RC zoning district, is hereby granted, subject to the following conditions:

1. The applicant must receive a parking variance for 81 spaces from City Council in order to meet the off-street parking space requirement of 151 spaces.
2. Provide a 24-foot wide cross access easement connection with the property to the north, on the western half of the parcel.

Yes: Kramer, Littman, Schultz, Storrs, Strat, Waller, Wright

No: Vleck

Absent: Chamberlain

### **MOTION CARRIED**

Mr. Vleck said he would have preferred more information on the justification for the parking space variance.

11. SITE PLAN REVIEW (SP 900) – National Business Systems, Proposed Office / Storage Building, South of Big Beaver, West Side of Bellingham, Section 26 – R-C

Mr. Savidant presented a summary of the Planning Department report for the proposed National Business Systems building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

It was noted by the Planning Department and confirmed that the final engineering drawing would designate the centerline cross access to extend northward.

The petitioner, Robert Shephard of 2139 Austin Driver, Rochester Hills, was present.

### **Resolution # PC-2003-10-038**

Moved by: Vleck

Seconded by: Strat

**RESOLVED**, That the Site Plan Approval as requested by National Business Systems, located on the west side of Bellingham, south side of Big Beaver Road, within section 26, within the RC zoning district is hereby granted.

Yes: All present (8)

No: None

Absent: Chamberlain

### **MOTION CARRIED**

12. PROPOSED ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 12.50, R-1T ONE FAMILY ATTACHED RESIDENTIAL DISTRICTS (ZOTA #182) and PROPOSED ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 03.40, SITE PLAN REVIEW / APPROVAL (ZOTA #199)

Chairman Littman provided the Commission with a draft resolution to be considered by the City Council with respect to the proposed zoning ordinance text amendments for One Family Attached Residential Districts and Site Plan Review / Approval.

**Resolution # PC-2003-10-039**

Moved by: Littman

Seconded by: Vleck

**RESOLVED**, That based upon the knowledge and commitment to excellence of the Planning Commission, we formally voice our concerns to the 'staff revisions' contained in the memos dated September 30, 2003 to Mayor and City Council regarding Announcement of Public Hearing (October 27, 2003) – Zoning Ordinance Text Amendment for Section 12.50, R1-T One Family Residential District (ZOTA #182) and October 1, 2003 memo to Mayor and City Council regarding Announcement of Public Hearing (October 27, 2003) – Zoning Ordinance Text Amendment for Section 03.40, Site Plan Review / Approval (ZOTA #199). Specific examples of areas of concern are:

1. With the development of small in-fill developments in R1-T throughout the City, there is a serious issue with the developers not providing any areas for the placement of snow during our winter season. The Planning Commission feels that it is reasonable for the petitioner to provide delineation of area(s) on the site plan for the loading of snow so that roadways (private and public), walkways and/or parking areas remain usable. Additionally, it is our consensus that the parking requirements for this district are insufficient. The complete recommendations of the Planning Commission can be found in the Proposed Zoning Ordinance Text Amendment (ZOTA #182) as recommended by Planning Commission on December 10, 2002.
2. It is the consensus of the Planning Commission that initial site plans cannot be adequately reviewed without the topography of the site in question, and surrounding properties, is provided. There are many examples of water, drainage and elevation issues that exist after the development is built that are worse than they were prior to the new development. The Planning Commission, although aware of and highly concerned about these issues, is not provided the tools required to address them at initial site plan approval. It would be in the best interest of the City, the Petitioner, and surrounding property owners if these issues could be addressed by the Planning Commission at the time of initial Site Plan Approval instead of being handled 'administratively' after the fact. The complete recommendations of the Planning Commission can be found in the

Proposed Zoning Ordinance Text Amendment (ZOTA 199) as recommended by Planning Commission on May 13, 2003.

***BE IT FURTHER RESOLVED***, That if Staff's recommendation differs from that of the Planning Commission, said Commission should be afforded the opportunity to have a representative present at the City Council meeting to explain and defend the Commission's rationale for their recommendations.

Yes: All present (8)  
No: None  
Absent: Chamberlain

**MOTION CARRIED**

### **GOOD OF THE ORDER**

Mr. Storrs said he feels the PUD process should be streamlined.

Chairman Littman reminded Mr. Storrs that the PUD process is a suggested discussion item with City Council.

Mr. Kramer said that minimum site plan size and sidewalks are two of his concerns with respect to the PUD process.

Mr. Waller announced that October 18<sup>th</sup> marks his 10-year anniversary with the Planning Commission.

The Commission congratulated Mr. Waller.

Mr. Schultz announced that he completed the Citizens Planners Workshop last Monday. He also said that he is in possession of the Novi ordinances and would forward them to the Planning Department.

### **ADJOURN**

The Regular Meeting of the Planning Commission was adjourned at 11:40 p.m.

Respectfully submitted,

---

Lawrence Littman, Chairman

---

Kathy L. Czarnecki, Recording Secretary

G:\MINUTES\2003 PC Minutes\Final\10-14-03 Regular Meeting\_Final.doc



Call to Order

The regular meeting was called to order at 7:03 p.m. in Conference Room C at City Hall.

Roll Call

Present:	Richard Hughes	Shazad Butt
	Penny Marinos	Fan Lin
	Brian Wehrung	Kent Voigt
	Dick Minnick	Jerry Bixby
	Cindy Stewart	

Approval of Minutes

Motion to approve minutes of July 24, 2003 with changes by Minnick, second by Hughes.

Change – Under new business – A. CATV Mission Statement – no motion made and no vote taken to revise mission/goals - tabled until October meeting

Approved unanimously with changes.

Correspondence

- A. COMCAST – TV Guide Channel moved from Channel 1 to Channel 98
- B. E-mail list of all technology magazines online each month with cable programming calendar

Old Business

A. CATV Mission Statement

Discussion re: revisions to Cable Advisory Committee Mission Statement, Goals and Objectives. Motion to approve changes to CATV Mission Statement, Goals and Objectives - Resolution #CA-2003-10-001.

Moved by Marinos, Seconded by Bixby to approve proposed revisions to mission statement, goals and objectives per attached document.

Yes: Marinos, Voigt, Butt, Bixby, Wehrung, Minnick,  
No: Hughes

B. CATV name change consideration

Recommend CATV Advisory Committee be changed to Cable Advisory Committee (CAC). Reasoning: to go along with revised Mission Statement. Motion to change the

name of the CATV Advisory Committee to Cable Advisory Committee (CAC) to reflect the revised mission statement and goals - Resolution #CA-2003-10-002

Moved by Voigt, Seconded by Marinos.

Yes: Marinos, Voigt, Butt, Bixby, Wehrung, Minnick,

No: Hughes

C. Cable Complaint Logs - tabled until January 2004 meeting

### New Business

#### A. CMN Report – Shazad Butt

January - present: 890 1<sup>st</sup> run programs and 91 classes offered. Upcoming event: 6<sup>th</sup> Annual Chili Cook Off on Nov. 20 from 6-9 pm at CMN Studios.

October 2003 editing and graphics class offered for the first time. Upgrades at CMN include new digital playback system, DVD burner. Since September 1, 2003 requesting all programs on DVDs. New website [www.cmntv.org](http://www.cmntv.org)

At January CAC Meeting have discussion re: CMN 2002-03 Annual Report. Committee to bring copy of report. If possible, schedule January meeting at CMN. Get CMN TV Schedule and email to CAC with WTRY schedule

### Staff Report

A. E-mail member list. Include in future Troy Today (spring) information on CAC.

Motion to adjourn by Butt, second by Bixby. Meeting adjourned 8:34 pm.

**CITY OF TROY**  
**~~CATV~~ CABLE ADVISORY COMMITTEE (CAC)**  
**MISSION STATEMENT**

**MISSION STATEMENT:**

To serve as liaison between Troy City Council and ~~citizens~~ residents of Troy relative to cable service issues.

Cable service includes (but not limited to) Cable TV and any integrated cable service provided by a cable provider through a direct connect cable system, which requires a Franchise Agreement with the City of Troy.

**Goals and Objectives:**

To receive comments and suggestions from fellow citizens and neighbors for presentation to the committee on all cable matters.

To make recommendations to the Troy City Council relative to the City's Cable ~~TV~~ franchise, including any and all activities, which may affect the quality or level of service, provided to Troy residents.

To meet on a regular basis to discuss and review all aspects of the quality and service of Cable ~~TV~~ available to Troy residents.

Cable committee responsibilities include reviewing cable activities such as:

**FRANCHISE PROVIDERS (~~currently~~ Comcast and WideOpenWest)**

To monitor and review financial and performance reports as provided to ICCA by the franchisees. To review and recommend action as appropriate in the establishment and negotiation of franchise agreements or amendments to these agreements. To receive and consider presentations as requested from the management representatives of the franchisees.

**INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY (ICCA)**

To monitor and review correspondence, reports and presentations of the ICCA that may affect or impact the quality or level of service to Troy citizens. This is specifically related to the ICCA consortium agreement.

**COMMUNITY MEDIA NETWORK (CMN) - Channels 18 & 52**

To monitor and review correspondence, reports and presentations of the CMN or other groups that may affect the quality or level of public access service to Troy citizens. These reviews would include quality of product and access to airtime, equipment and other services with the express purpose of providing for local access programming services and opportunities for individuals and groups.

#### GOVERNMENT ACCESS / WTRY - Channels 10 & 53

To monitor the quality of product and level of service of the local government access channel provided to the City of Troy as part of the franchise agreement. In this role the committee will request regular reports from the WTRY management and provide opinions to WTRY staff on minor issues and provide recommendations on major issues to **Troy** City Council.

#### STEWARDSHIP OF FUNDS

To review requests, assess needs and make recommendations to Troy City Council relative to the awarding and disbursement of available funds to support access channels as provided in the franchise agreements.

#### LEGISLATION

To review new and proposed local, state and federal legislation relative to providing a point of view to **Troy** City Council relative to suggested actions.

#### TECHNOLOGY DEVELOPMENTS

To ~~be aware of~~ **review** new technological developments relative to Cable service with the objective of assuring that the residents of Troy are receiving ~~the best service and~~ the highest quality of services available.

**Adopted: July 14, 1999**

**Revised: May 24, 2003**

**Revised: October 15, 2003**

The Vice-Chairman, Marcia Gies, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, October 21, 2003 in Council Chambers at City Hall.

PRESENT: Christopher Fejes  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Vleck (7:35 P.M.)

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Carolyn Glosby, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

ABSENT: Kenneth Courtney  
Mark Maxwell

Motion by Fejes  
Supported by Kovacs

MOVED, to excuse Mr. Courtney and Mr. Maxwell from attendance at this meeting.

Yeas: All – 7

MOTION TO EXCUSE MEMBERS CARRIED

Ms. Gies explained to the audience that if anyone wished, they could ask that their request be postponed due to the fact that there was not a full board present. Mr. Stimac explained that four (4) affirmative votes are required to grant a variance.

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 17, 2003**

Motion by Kovacs  
Supported by Fejes

MOVED, to approve the minutes of the meeting of September 17, 2003 as written.

Yeas: 4 – Fejes, Gies, Hutson, Kovacs  
Abstain: 1 – Vleck

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – JANE WIEGERS, 1054 VERMONT**, for relief of Section 30.10.06 to construct a covered front porch resulting in a 22' front setback to the front face of the porch where a 25' setback is required.

**ITEM #2 – con't.**

Mr. Stimac explained that the petitioner is requesting relief of Section 30.10.06 of the Zoning Ordinance to construct a covered front porch, which would result in a 22' front setback to the front face of the porch roof. Section 30.10.06 requires a 25' minimum front setback in R-1E Zoning Districts.

Ms. Wiegiers was present and stated that her home was constructed in the 1940's and the porch has always been there. Mr. Fejes asked why she wished to cover the porch and Ms. Wiegiers said that she would like to be able to sit outside in the summer and also that a covered porch would protect the porch in inclement weather.

Ms. Gies opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no objections.

Mr. Vleck said that he felt this was a minimal setback request and would be in support of this variance. Mr. Hutson agreed with Mr. Vleck adding that this home existed prior to any setback requirements in the Zoning Ordinance.

Motion by Fejes  
Supported by Hutson

MOVED, to grant Jane Wiegiers, 1054 Vermont, relief of Section 30.10.06 of the Zoning Ordinance to construct a covered front porch resulting in a 22' front setback to the front face of the porch where a 25' setback is required.

- Variance request is minimal.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #3 – JAMES HARRIS, 2888 BINBROOKE**, for relief of Section 30.10.02 to construct a master suite addition on the west side of his home, which would result in a 6'-2" side yard setback where a minimum 10' minimum side yard setback is required.

The Vice-Chairman moved this item to the end of the agenda, Item #15, to allow the petitioner the opportunity to be present.

**ITEM #4 – MR. & MRS. GARY BUSSA, 3851 VICTORIA**, for relief of Section 30.10.04 to construct a covered front porch, which would result in a 28'-4" front setback where 30' is required.

Mr. Stimac explained that the petitioners are requesting relief to construct a covered front porch to their home. The site plan submitted indicates the construction of a covered front porch with a proposed 28'-4" front setback. Section 30.10.04 requires a 30' minimum front setback in R-1C Zoning Districts.

Mrs. Bussa was present and stated that their home faces East and the only place that they have shade in the evening is at the front of the home. Mrs. Bussa said that they have planted many trees in the back yard but said that they will not provide much shade for many years. Mrs. Bussa also said that most of the homes in this area look very similar and they would like to add some diversity to the look of the neighborhood. The Bussas have contacted their neighbors as well as the Homeowners Association and have received support for this construction. Mrs. Bussa said that she also inherited a porch swing that is approximately 70 years old and she would like to be able to have a large porch to put this swing.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file. There are no written objections on file.

Mr. Kovacs reminded the petitioner that she could ask that this item be postponed before the Board took a vote. The petitioner said she would like a vote tonight.

Mr. Hutson said that he did not have a problem with this variance request.

Motion by Vleck  
Supported by Fejes

MOVED, to grant Mr. & Mrs. Gary Bussa, 3851 Victoria, relief of Section 30.10.04 of the Zoning Ordinance to construct a covered front porch, which would result in a 28'-4" front yard setback where 30' is required.

- Variance request is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in question.
- Variance will not establish a prohibited use in a Zoning District.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #5 – MR. & MRS. HAILER, 2851 SUNRIDGE**, for relief of Section 40.50.04 to construct a second floor addition continuing an existing non-conforming 9' side yard setback.

Mr. Stimac explained that the petitioners are requesting relief of Section 40.50.04 to construct a second floor addition on an existing non-conforming structure. Section 30.10.02 requires a 10' minimum side yard setback and a 25' minimum total of both side yard setbacks in the R-1B Zoning District. The plot plan submitted indicates the existing house has a 9' side yard setback and 22.3' total side yard setbacks. The proposed second floor addition would continue the 9' non-conforming setback. Section 40.50.04 of the Zoning Ordinance prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Mr. Hailer was present and stated that he did not want to increase the non-conformity by going out from his home, but only wanted to go straight up with this addition so that he would not encroach anymore into the setback. Mr. Hailer also said that next to his property is a vacant lot with approximately a quarter mile of woods that abuts a kennel on Adams Road. Mr. Hailer also said that he maintains an additional amount of grass, which amounts to 21'-2".

Mr. Fejes asked why Mr. Hailer wanted this addition. Mr. Hailer said that they are expecting their second child and the current square footage of their home is 1,795' and they would like to add another bedroom.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Fejes said that he did not have an objection to this request, as there would not be an increase to the non-conformity of the home. Mr. Hutson said that he felt a hardship existed because this lot was pie-shaped, and in fact, if it was a rectangular lot, a variance would not be required.

Motion by Kovacs  
Supported by Hutson

MOVED, to grant Mr. & Mrs. Hailer, 2851 Sunridge, relief of Section 40.50.04 of the Zoning Ordinance to construct a second floor addition, which would continue an existing non-conforming 9' side yard setback.

- Variance is necessary for the preservation and enjoyment of substantial property rights.
- Variance would not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.



**ITEM #5 – con't.**

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #6 – MR. JOHN POTVIN, 5648 CLEARVIEW DR.,** for relief of Section 30.10.02 to construct a family room addition, which would result in a 28' rear yard setback where 45' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a family room addition. The site plan submitted indicates a family room addition at the rear of the home with a proposed 28' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoned Districts.

Mr. John Potvin and his builder, Douglas Ender was present. Mr. Potvin said that they wish to add a family room addition to their home because they do not have a family room, but have a library. Mr. Potvin indicated that they have two adult boys at home who use the library for reading or studying, and they would like to have a family room that they could watch TV in. Mr. Potvin also said that the reason they wished the family room in this area was because it would be right near the kitchen and they would also use part of the deck. Mr. Potvin further explained that this addition would be eight-sided and felt that it would add value to the home.

Mr. Fejes stated that he felt this was a significant variance and did not see a hardship. Mr. Ender stated that the reason this room had to extend this far was because there was an egress window from the bedroom. Mr. Ender said that the roof was lower-pitched in order to continue to have access to this egress window. Mr. Ender also said that this addition was 14' x 14' with a slight breezeway. Mr. Fejes also said that there was an objection on file, which indicated that the neighbor felt that the addition would be taking away from the openness of the area. Mr. Potvin said that this addition would fit in the area where there is now a deck and he did not feel that it would take away from the open space. Mr. Ender said that this addition would only come out an additional three feet from the existing deck.

Mr. Hutson said that he felt that this was a huge variance and does not recall ever granting a variance of this size. Mr. Hutson also said that he did not see a hardship with the land, which would justify a variance of this size. Mr. Hutson further stated that he thought Mr. Potvin might wish to table this request to have the benefit of a full board.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There is one (1) written objection on file.

**ITEM #6 – con't.**

Mr. Vleck said that he also felt this was a significant variance and he would be apt to deny this request also.

Mr. Fejes stated that he felt that Mr. Potvin would need a hardship to receive this size variance. Mr. Fejes said that he felt that even with a full board a hardship with the land would be required for this variance. Mr. Potvin said that he felt hardship was a difficult word and would rather use the word difficult. Mr. Fejes said that Mr. Potvin is asking the Board to approve his request to "break the law" and as such, a specific reason would be required to justify this request. Mr. Potvin said that he is not asking to "break the law" he just wants a variance.

Mr. Kovacs said that this was a beautiful home, however, 17' is a very large variance request, and he does not believe this lot could support such a large addition. Mr. Kovacs also said that he feels that this variance would be contrary to public interest; and it would cause an adverse effect to surrounding property. Mr. Kovacs also indicated that he did not believe this request would be granted, even if a full board was present.

Motion by Vleck  
Supported by Hutson

MOVED, to postpone the request of Mr. John Potvin, 5648 Clearview Dr., for relief of Section 30.10.02 to construct a family room addition, which would result in a 28' rear yard setback where 45' is required, until the next meeting of November 18, 2003.

- To allow the petitioner the benefit of a full board.

Yeas: 4 – Fejes, Gies, Hutson, Vleck  
Nays: 1 – Kovacs

MOTION TO POSTPONE REQUEST UNTIL MEETING OF NOVEMBER 18, 2003  
CARRIED

**ITEM #7 – DEPOR INDUSTRIES, INC., 1902 NORTHWOOD**, for relief of Section 30.20.09 to construct an addition to an existing industrial building, which would result in 42% lot coverage where 40% maximum is permitted.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct an addition to an existing industrial building. Section 30.20.09 of the Troy Zoning Ordinance limits the lot coverage of building in the M-1 (Light Industrial) Zoning District to not more than 40% of the lot area. The proposed addition would result in 42% lot coverage on this site. In order to implement this proposed construction the petitioners would also need to obtain a parking variance for 7 parking spaces. This matter will appear before the City Council at their October 27, 2003, meeting.

**ITEM #7 – con't.**

Mr. Paul Ricca, Architect for Depor Industries, Inc. and Mr. Ted Howard, General Manager of Depor Industries were present. Mr. Ricca said that the total building area is 62,900 square feet and would like to add a 3,222 square feet addition to expand the shipping and receiving area, which would result in lot coverage of 41.67% where 40% is allowed. Mr. Howard said that Depor Industries applies protective coating to automotive components, which results in a significant amount of truck traffic in and out of this facility each day. Mr. Howard said that the primary need is a matter of safety, because the shipping and receiving office is in the middle of the building. When drivers come to make a drop off, they need to get to that office and have to cross some of the production area to get to it and they have no where to wait while their trucks are either loaded or unloaded. Mr. Howard said that they also need extra space for the storage of boxes, pallets and that sort of thing.

Mr. Vleck asked what types of trucks come in and out of this facility. Mr. Howard said that there are all types of trucks from pickup trucks to stake trucks to a large trailer. Mr. Vleck asked what type of square footage would be allowed without a variance. Mr. Ricca said he thought it would be around 1600 square feet, which is far less than what they need.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Stimac said that in answer to Mr. Vleck's question under the Ordinance they would be allowed to add 2,647 square feet to this existing building, and are asking for a variance of 575 square feet.

Mr. Fejes asked if they could stay within the Ordinance and add to the shipping area. Mr. Howard said that 2,647 square feet would not allow for all the operations, which are associated with shipping and receiving. Part of the operation would still remain on the production floor, causing a dangerous situation for drivers waiting to load or unload their trucks. Mr. Howard said that their original request would allow an area for the drivers to wait and would also allow the storage of boxes and office equipment, and would also enable them to have the shipping and receiving department in one area of the building. Mr. Fejes asked what was located behind this property and Mr. Howard said that there is nothing there presently and believes the property is owned by the bus depot.

Mr. Kovacs asked what would happen if the variance was not granted. Mr. Ricca said that they had not considered that outcome at this point. Mr. Ricca further stated that this area would create an area for the drivers to wait and if limited to something less than the 3,222 square feet they are asking for, they would have to eliminate either an office or the driver waiting area out of this area. Mr. Ricca also said that there is a

**ITEM #7 – con't.**

severe congestion area in this part of the building and the addition would help to eliminate that. Mr. Kovacs asked how if the addition would be larger if there was not a lot coverage issue. Mr. Howard said that they felt the 3,222 square feet would be sufficient for their needs. Mr. Kovacs asked if this building was leased and Mr. Howard said that Depor Industries owned this building.

Motion by Vleck  
Supported by Fejes

MOVED, to grant Depor Industries, Inc. 1902 Northwood, relief of Section 30.20.09 of the Zoning Ordinance to construct a 3,222 square foot addition to an existing industrial building, which would result in 42% lot coverage where 40% maximum is permitted.

- Variance request is minimal.
- Variance is not contrary to public interest.
- Variance does not establish a prohibited use in a Zoning District.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #8 – JANET CLARK, 90 WOODSLEE**, for relief of Section 40.57.05 to maintain a detached garage constructed within 3' of the side lot line where 6' is required.

Mr. Stimac explained that the petitioner is requesting relief to maintain a detached garage with a footing that was constructed within 3' of the side yard setback. Section 40.57.05 of the Zoning Ordinance requires a minimum 6' side yard setback for accessory buildings. A contractor hired by the petitioner obtained a permit to construct a new detached garage. The plans submitted with the permit application indicate a 6' setback from the building to the side lot line. The builder, however, poured the footing only 3' from the side lot line. This deficiency was not discovered at the time of the footing inspection and was only discovered after a "Stop Work Order" was placed on the property due to a "insufficient funds" check, which was received from the contractor for payment of the Building Permit.

Ms. Gies had questions regarding the inspection of the slab. Mr. Stimac said that at the time of the rat wall inspection, the discrepancy was not discovered, and the rat wall was approved as put in. Mr. Stimac also indicated that a Building Permit was issued to the builder indicating a 6' side yard setback. The builder put the rat wall in with a 3' side yard setback. Ms. Gies asked whose responsibility it was to meet the setbacks. Mr. Stimac said that it is the responsibility of the contractor to put up the structure according to the approved plans. Ms. Gies then asked why the deficiency was not caught at the

**ITEM #8 – con't.**

first inspection. Mr. Stimac said there were no excuses, and the deficiency should have been discovered at the time of the rat wall inspection before the foundation was poured.

Mr. Hutson asked if the contractor was still working for Ms. Clark. Ms. Clark said that she had hired a contractor with a great reputation and had asked that the contractor not appear before the Board. Ms. Clark said that if the variance is granted, she will probably ask them to finish this job due to the fact that she has quite a bit of money invested and would just like to be done with them without filing a lawsuit. Mr. Hutson said if the garage was in, it would be a different issue although he felt that perhaps this foundation could be moved.

Ms. Clark said that she has all of her yard equipment under tarps and when her daughter comes home every other weekend, she has to sleep in the living room, because her room is filled with belongings from the shed that the contractor tore down.

Mr. Kovacs asked if Ms. Clark had instructed the contractor to put the garage 3' closer to the lot line. Ms. Clark said that she had taken them to a neighbor's house and shown them exactly what she wanted. The contractor indicated that they could get a variance, which would give better access to the garage. The agreement was that the contractor would obtain all necessary permits and variances, and the homeowner would only be responsible for making sure that she approved of the finished product. Ms. Clark indicated that she had given this contractor \$5,800.00 after she had received approval for the rat wall. Ms. Clark also said that presently she is into this job in the amount of \$8,000.

Mr. Vleck asked if the load-bearing wall would have to be placed on the rat wall and Mr. Stimac said that was correct. Mr. Stimac explained that the proper construction technique is to put the load-bearing wall directly over the rat wall. Mr. Stimac also said that if the load-bearing wall were placed in the middle of the slab it would not be structurally correct. Mr. Vleck then asked how this could be corrected and Mr. Stimac said that in order to truly do it correctly, the rat wall would have to be removed as the slab and rat wall should be poured in one continuous pour. Mr. Stimac also said that if this foundation was poured in pieces, it would probably reduce the longevity of the slab.

Mr. Vleck said that he felt that the builder would be able to pull out the rat wall and put it back in the correct location. Ms. Clark said she was concerned because the weather was changing and also the builder does not believe he is at fault because the City approved the rat wall.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

**ITEM #8 – con't.**

Mr. Kovacs stated that he feels this is a two-fold problem, in that we have a builder who put the rat wall in the wrong location and the City who missed the fact that it was in the wrong location and approved this rat wall; and finally we have the homeowner who is caught in the middle. Mr. Kovacs also said that similar variances have been granted in the R-1E Zoning District based on the fact that the lots are small and getting in and out of the garage is difficult with the 6' side yard setback. Mr. Kovacs further stated that he does not feel it is fair to find the homeowner at fault, because basically she did not do anything wrong and the City should have caught the fact that the rat wall was in the wrong location and the contractor would have had to move it.

Ms. Clark said that the builder does not feel responsible because the cement was poured the next day due to the fact that the City approved the rat wall. Ms. Clark also said that her only recourse would be to sue the builder and she really does not have the means to take that course of action.

Mr. Vleck asked if the neighbor to the west of Ms. Clark approved of this request. Ms. Clark indicated that they do not speak English and at this point they only smile at each other. Ms. Clark also said that other neighbors have approved of this request.

Mr. Kovacs stated that one of the reasons he was in favor of this variance request was because of the mistake on the part of the City and he did not feel the petitioner should suffer for this mistake.

Ms. Clark also said that she had received a number from the City to file a complaint against this builder and she planned to not only file a complaint with the State but also with the Better Business Bureau.

Motion by Vleck  
Supported by Fejes

MOVED, to approve the request of Janet Clark, 90 Woodslee, for relief of Section 40.57.05 of the Zoning Ordinance to construct a detached garage within 3' of the side lot line where 6' is required.

- Location of rat wall approved by the City.
- Variance is not contrary to public interest.
- Variance will not cause an adverse effect to surrounding property.
- Compliance with the Ordinance would be unnecessarily burdensome.

Yeas: 4 – Fejes, Hutson, Kovacs, Vleck  
Nays: 1 - Gies

MOTION TO GRANT VARIANCE CARRIED

**ITEM #9 – GOLDEN GATE SHOPPING PLAZA, LLC, 2967 E. BIG BEAVER,** for relief of Paragraph G of Section 31.30.00 to construct an addition to an existing commercial building, which will result in a 41.7' setback to residentially zoned property where 75' is required.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a loading dock addition at the rear of an existing commercial building. The proposed addition on the north side of the building will result in a 41.7' setback to the north property line. The adjacent property to the north is in the R-1D (One-Family Residential) Zoning District. Paragraph G of Section 31.30.00 requires that no building be located closer than 75' to the property line when the property abuts a residential district.

Kim Patterson, Manager of Golden Gate Shopping Plaza and John Dinan of Golden Gate Shopping Plaza as well as David Kapusansky, representing Aldi Foods were present. Ms. Patterson stated that she and Mr. Dinan were present to show their support of this request. Ms. Patterson went on to say that five (5) years ago Golden Gate Shopping Plaza suffered a huge loss when Farmer Jack moved out of this center. Over the past five years they have attempted to find another tenant to take the place of Farmer Jack. Ms. Patterson said that they have been in negotiations with Aldi Foods for the past two years and are very pleased with the addition of this store.

David Kapusansky said that this is a unique issue relating to the loading dock. Mr. Kapusansky said that they are not looking to enlarge the dock area, but to enclose it to meet with today's standards regarding loading docks. Currently, this dock is obsolete and is in a state of disrepair. Mr. Kapusansky also indicated that it would not meet the sanitary standards required today. Mr. Kapusansky further stated that by enclosing this dock, the merchandise would be protected from the elements and rodents as well as to provide for the storage of pallets. The shape of the development does not allow for a semi to move up and back in, and to enclose the dock would benefit the public in terms of sanitation and noise pollution.

Mr. Hutson commented on the number of responses received from the residents on Albany. Ms. Patterson explained that they got a number of responses from both the residents to the north of this property as well as to the west of the center.

Mr. Vleck asked how wide the loading dock was. Mr. Kapusansky said that he thought it was 32'-10". Mr. Vleck asked if it was the width or length of the building. Mr. Kapusansky said that it was the length away from the building and the width is 18' from the edge of the dock to the existing transformers. Mr. Vleck asked if the transformers would have to be relocated and Mr. Kapusansky said that they would not. Mr. Vleck stated that the back of the building is not maintained very well with regards to the dumpsters and trash and is concerned about encroaching into the setback. Ms. Patterson indicated that through the negotiations with Aldi, there are also concessions that have been made and this area will have to be cleaned up and re-paved in order to meet Aldi's standards. Mr. Vleck also said that this addition will change the footprint of the building

**ITEM #9 - con't.**

and wanted to know what would happen to the dumpsters that are sitting out. Mr. Kapusansky said that Aldi's has a provision for keeping the dumpster in their enclosure. Ms. Patterson said that they have not dealt with the dumpster issue at this time.

The Vice-Chairman opened the Public Hearing.

Mr. John Dinan was present and stated that he wanted to indicate his support for this variance and felt that it would benefit the shopping center.

No one else wished to be heard and the Public Hearing was closed.

There are thirty-three (33) written approvals on file. There is one (1) written objection on file.

Mr. Vleck stated he would be against this variance as this is a large variance request and asked if variance would limit the petitioner to what was presented. Mr. Stimac stated that the Building Department has received plans for the addition and that the variance would be limited to what these plans depict and the additional construction drawings. Mr. Stimac also said that the petitioner is correct in saying that this dock would be 18' x 32'. Mr. Vleck was concerned about the setback going from 75' to 41'. Mr. Kapusansky said that this addition would not change the loading depth and that trucks have been unloaded in this area since 1974 and actually Aldi's would have fewer trucks coming into the area than Farmer Jack's did, approximately 9 – 12 trucks per week. Mr. Kapusansky said that this is a much smaller grocery store. Mr. Vleck asked if the extension of the loading dock could be made smaller. Mr. Kapusansky stated that it is presently set up for two trucks, one truck dock and one bay that would handle the trash right next to each other.

Mr. Vleck then asked if they would have to go in for a site plan approval and Mr. Stimac indicated that staff review of the scope of work did not warrant site plan approval. Mr. Vleck said that he understands exactly where the dock is going and is just concerned about such a large variance.

Mr. Hutson said that he was impressed with the fact that they had contacted the residents, which abut this shopping center. Mr. Kapusansky said that Ms. Patterson has been working with this shopping center for years and she wanted to make sure that the neighbors were aware of what was going on with the shopping center. Mr. Hutson also said that one of the neighbors, who abut the shopping center, was against this addition; however, he feels that the approvals outweigh the objections. Mr. Karpusansky asked about this objection and Mr. Hutson said that he also took the objection in consideration of this request. Ms. Patterson said that they had spoken to each neighbor and let them know exactly what improvements were going to be made.



**ITEM #9 – con't.**

Mr. Fejes asked if there were any safety issues regarding this addition. Mr. Karpusansky said that by being enclosed, it would be safer for employees and truck drivers due to the fact that they would not be dealing with the rain or snow, which would lessen the number of slip and fall accidents.

Mr. Kovacs thinks this variance request meets the guidelines of the restrictions of a variance in that it would help to protect the public health, safety and welfare of the surrounding residents. Mr. Kovacs also stated that he did not think this was a very large variance because the dock is existing and enclosing it would provide greater safety and health issues to the public.

Mr. Vleck asked about the other dumpsters on the property and asked if any regulations were in place to require these other dumpsters to be enclosed. Mr. Stimac said that he had not done an investigation on the site plan for the original construction of the shopping center, which he thought was built in 1972 or 1973. Mr. Stimac indicated that the requirements for enclosing dumpsters came into existence after that date. Mr. Stimac also said that these dumpsters would be considered legal non-conforming structures. Mr. Stimac further stated that they would look into moving the dumpsters rather than having them placed around the site in a hap hazard way.

Mr. Vleck also said that he feels that an enclosed dock would definitely benefit the neighbors, and would feel much more positive about this variance if he knew that the other dumpsters would also be enclosed. Ms. Patterson said that they would be very agreeable to working with the Building Department, if this was one of the requirements. Mr. Stimac also said that this is not one of the standard rectangular buildings, and if this building were constructed today, one of the requirements would be that any dumpsters would have to be enclosed. Mr. Stimac further stated that due to the age of the shopping center he believed that the dumpsters were on the site plan unenclosed when it was originally approved, and also that originally one dumpster was put out and now there are a large number of dumpsters out, because each tenant puts out a dumpster. Mr. Stimac said that the Building Department would be willing to work with the owner to find ways to clean up this area.

Motion by Kovacs  
Supported by Hutson

MOVED, to grant Golden Gate Shopping Plaza LLC, 2967 E. Big Beaver, relief of Paragraph G of Section 30.30.00 of the Zoning Ordinance to construct an addition to an existing commercial building, which will result in a 41.7' setback to residentially zoned property where 75' is required.

- Absent a variance, public health safety and welfare would be negatively affected.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

**ITEM #9 – con't.**

Yeas: 4 – Gies, Hutson, Kovacs, Fejes  
Nays: 1 - Vleck

**MOTION TO GRANT VARIANCE CARRIED**

Mr. Vleck stated that the reason he was objecting to this variance request because he thinks this addition could have been designed in a way, which would have decreased the encroachment. Mr. Vleck does feel that this is an improvement to the shopping center and would encourage that the other dumpsters in the center be taken care of also. Mr. Kapusansky indicated that they plan to work on the other dumpsters as well.

**ITEM #10 – PAUL FLECK, 2805 RANIERI**, for relief of Section 30.10.05 to construct a patio enclosure addition, which would result in a 26' rear yard setback where 40' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a patio enclosure addition on the rear of his home. The site plan submitted indicates a 26' rear yard setback to the proposed patio enclosure. Section 30.10.05 requires a 40' minimum rear yard setback in R-1D Zoning Districts.

Mr. Fleck was present and stated that he does not have a hardship that runs his land, however, he has a son with a medical condition, which requires them to protect his son from mosquitoes. Mr. Fleck said that an enclosure would allow him to enjoy being out in the summertime. Mr. Fleck explained that the property to the north is Troy Beaumont and the first 150' of this property is zoned "Environmentally Protected" and therefore he would never have a neighbor close enough to be affected by this addition. The neighbor to the east of Mr. Fleck's property as well as the neighbor to the west of his property do not object to this proposed addition. Mr. Fleck said that if he could he would put the addition closer to the east side of the home, but is unable to because the roofline would not match up and does not believe it would fit in well with the home. Mr. Fleck pointed out that they cannot put the addition on the west side of the home because there are large trees in this area, and he also believes that he has deed restrictions, which will not allow him to put up anything in the side yard. The structure itself would be built on site, and the sides would be cultured stone and windows.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file. There are no written objections on file.

Mr. Kovacs asked what was on the east side of his home. Mr. Fleck said that it was the master bedroom. Mr. Kovacs then asked if there was a walk out in this location and Mr. Fleck said that the addition would be connected to the door wall in the kitchen, which would serve the same basic purposed as a walk out. Mr. Kovacs then asked if was

**ITEM #10 – con't.**

possible to put in a door on the east side and then put the addition in that location. Mr. Fleck said he did not believe that the east side would lend itself as easily to this construction because the roofline would be different. Mr. Kovacs then asked if the addition could be put in this location. Mr. Stimac said that he could legally build an addition in the area of the family room and Mr. Fleck said that his neighbors to the east would not approve of an addition on this side of the home. Mr. Kovacs said that he understood Mr. Fleck's concerns with the neighbors, however, it was his right to put the addition in this location. Mr. Kovacs then stated that he felt this was a very large variance request.

Mr. Fleck said that he feels his situation is unique in that his neighbor to the north is Troy Beaumont and if he thought that there would be neighbors behind him in the future, he would not be before the Board asking for a variance. Mr. Fleck also said that because this land was zoned as an Environmentally Protected, he felt very safe in assuming that this land would not be developed. Mr. Fleck also said that there is a risk regarding the land to the north, which is now a heavily treed area, in that if Beaumont were to develop the property they could eliminate many of these trees. Mr. Kovacs pointed out that he would still have a 150' buffer zone. Mr. Kovacs said that he understood that this was a very different type of lot, but was concerned because the granting of such a large variance could create a precedent. Mr. Kovacs also pointed out that another area is available for an addition, which would not require a variance. Mr. Fleck said that he understood this was a large variance request, but still feels his situation is quite unique and does not think that the zoning will change on the property behind him.

Mr. Vleck said that he had driven by this property and agreed that if the addition was put on the west side of the property a very large tree would have to be removed, however, he was also concerned because of the size of this variance request.

Ms. Gies asked what the measurements were for this addition. Mr. Fleck said that it is proposed to be 23' wide and 15' deep.

Mr. Vleck asked if there was a particular reason Mr. Fleck wanted the addition 15' deep. Mr. Fleck said that he was keeping this addition in a length to width ratio and believes this size of an addition would lend itself well as a rectangular room.

Ms. Gies asked if Marilyn Street would ever be opened. Mr. Stimac said that as long as this area to the north remains Environmentally Protected, he does not believe this street would be opened. Mr. Stimac also said that the property owners could petition to have the street vacated, which would give the property owners additional property. However, Mr. Stimac said that until the property to the north is actually developed, City Council would most likely keep their options open and not vacate Marilyn Street at this time.

**ITEM #10 – con't.**

Mr. Fleck said that he had seen plans from Troy Beaumont and he thought that they were going to put in a ring road around, however never mentioned tying into this residential street. Mr. Stimac stated he needed to clarify the fact that if the property to the north were developed as a single-family residential area, they could open Marilyn Street in order to serve this development. Mr. Stimac also said that he could not speak for City Council, but he thought it was good planning practice not to vacate this street until the property to the north was developed.

Mr. Hutson asked if the zoning classification, which made this property to the north Environmentally Protected, was a classification made by the City. Mr. Stimac said the action done to zone this property was done by City Council. Mr. Hutson then asked if this classification could be changed and Mr. Stimac said that it could. Mr. Hutson also asked if Beaumont owned this property and Mr. Stimac said that it was. Mr. Hutson told the petitioner that he sympathizes with the medical problem that Mr. Fleck's son has, however, he feels that if the zoning was changed on this property to the north it could then create a problem for future residents.

Mr. Kovacs asked how this property came to be zoned Environmentally Protected and how easy would it be to have the zoning changed again. Mr. Stimac said that the zoning could be changed as easily as any other zoning classification. Mr. Stimac said that Beaumont acquired 20 acres between their facility and the Ranieri sub and needed this area re-zoned to C-F (Community Facilities) to allow for the hospital to be built. Due to concerns and objections from the residents of the Ranieri Subdivision and other residents in the area, the entire property was not zoned C-F, but as a compromise they agreed to have 150' of the southern section of the property changed to the E-P (Environmentally Protected) Zoning classification to ensure there would be a buffer between the hospital and residential property. Mr. Stimac explained that it takes four (4) members of City Council to change the zoning classification of a property.

Mr. Fleck said that his home sits farther back on his property and he believes this is one of the reasons he needs a variance.

Mr. Kovacs asked how far this home was from the hospital. Mr. Stimac said that he thought it was probably about 800' from the existing hospital.

Mr. Kovacs then asked the petitioner what he would do if he did not get this variance. Mr. Fleck said that he would like to have some idea of what type of variance the Board would be more amenable to. Mr. Kovacs asked if there was any way this addition could be reduced and therefore the variance request would be decreased. Mr. Fleck said he would have to consult his wife to determine what size would be feasible. Mr. Kovacs said that he had a problem with this variance due to the fact that it is such a large request. Mr. Kovacs said that there are unique circumstances to this property, however, he feels that there is another solution.

**ITEM #10 – con't.**

Mr. Vleck suggested that Mr. Fleck might wish to table his request until the next meeting to allow for the benefit of a full board.

Mr. Kovacs stated that he felt that this addition could be made smaller and therefore would require a smaller variance.

Mr. Vleck said that he thought his lot was unique, but thought that a precedent would be set if such a large variance was granted.

Mr. Fleck did not see where this would create a precedent because his property backs up to the E-P Zoning. Ms. Gies explained that it is not the E-P Zoning, it is the fact that he is requesting a very large variance, when this addition could be built in a location that would not require a variance.

Mr. Kovacs agreed with Ms. Gies and said that this addition could be moved to the other side of the home and would not need a large variance. Mr. Fleck said that if he thought this solution made sense he would do it, but did not feel this was the right location for this addition.

Mr. Vleck asked if he wished to postpone this request. Mr. Fleck asked what type of plans he should come back with in order to have the Board grant this request. Mr. Vleck suggested that he come back with valid reasons as to why this addition could not be put in another area, and to explore the possibility of making this addition smaller. Mr. Fleck then asked how many votes would be required to grant his request and was told that four (4) affirmative votes are required.

Mr. Stimac suggested that when the petitioner comes back to the Board, he should come back with the reasons why he needs the addition, why the addition has to be this size, and why the addition cannot be placed in another area.

Motion by Kovacs  
Supported by Vleck

MOVED, to postpone the request of Paul Fleck, 2805 Ranieri, for relief of Section 30.10.05 to construct a patio enclosure addition, which would result in a 26' rear yard setback where 40' is required until the meeting of November 18, 2003.

- To allow petitioner the benefit of a full Board.
- To allow the petitioner the opportunity to explore if a smaller addition would be feasible.
- To allow the petitioner the opportunity to demonstrate to the Board, the reasons the addition must be in this location.

Yeas: All – 5

**ITEM #10 – con't.**

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF NOVEMBER 18, 2003  
CARRIED

**ITEM #11 – MR. & MRS. DEWITT, 4871 RIVERS EDGE**, for relief of Section 30.10.02 and Section 41.50.00 to construct a screened porch addition, which would result in a rear setback of 43'-2" to the wall where 45' is required, and a 42' minimum rear yard setback to the roof overhang where 45' is required.

Motion by Fejes  
Supported by Hutson

MOVED, to postpone the request of Mr. & Mrs. Dewitt, 4871 Rivers Edge, for relief of Section 30.10.02 and Section 41.50.00 to construct a screened porch addition, which would result in a rear setback of 43'-2" to the wall where 45' is required, and a 42' minimum rear yard setback to the roof overhand where 45' is required until the next meeting of November 18, 2003.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF NOVEMBER 18, 2003  
CARRIED

**ITEM #12 – DON BARTLETT, 150 FLORENCE**, for relief of Section 40.57.04 to construct a freestanding gazebo, which would result in a total area of all accessory buildings to 1,254 square feet where 662 square feet are allowed; relief to place this building in a side yard location where Section 40.57.03 limits the location of accessory buildings to rear yard locations and, also approval under Section 40.57.10 which requires Board of Zoning Appeals approval for the placement of a freestanding gazebo.

Mr. Stimac explained that Petitioner is requesting relief of the Ordinance to construct a freestanding gazebo. The application submitted indicates construction of a 207 square foot gazebo located in the side yard. The site plan also shows an existing 1047 square foot detached garage, which would bring the total area of all accessory buildings to 1,254 square feet. Section 40.57.04 limits the area of all accessory buildings to 600 square feet or one-half the ground floor area of the main building whichever is greater. The existing house footprint is 1,324 square feet; therefore, the total area of accessory buildings is limited to 662 square feet.

Also, Section 40.57.03 of the Ordinance prohibits the placement of an accessory structure in any yard except a rear yard and Section 40.57.10 requires the Board of Zoning Appeals approval for the placement of a freestanding gazebo.

**ITEM #12 – con't.**

Mr. Fejes asked if this was a non-conforming house. Mr. Stimac indicated that the size of the garage vs. the house is probably a legal non-conforming issue, but prior to 1987 a garage could be built equal to the size of the main structure. Mr. Stimac said that he thought that the garage was constructed before 1987.

Mr. Kovacs asked if the gazebo were to be approved, if the petitioner would then have the ability to tear down the gazebo and put a shed up instead. Mr. Stimac said that if the language of the approval would indicate that the variance was granted for a 207 square foot open sided gazebo that would limit the petitioners' ability to only a gazebo.

Mr. & Mrs. Bartlett were present. Mr. Bartlett stated that the problem is that they have a power line that runs along the back of their yard and also runs on the side of their yard. Mr. Bartlett also said that if the gazebo were attached to the back of their home it would create a very small yard, and a large number of trees would have to be cut down if the gazebo was moved. Mr. Bartlett pointed out that his home was built many years ago and is the only home that runs perpendicular to the street. Mr. Bartlett also pointed out that the gazebo would interfere with the power lines if moved to either the back or other side of their home. The placement of the gazebo in the side yard would provide screening from the neighbors because of the large trees, and Mr. Bartlett considers this more of a landscape feature.

The Vice-Chairman opened the Public Hearing.

Mr. Wayne Ferrari, 215 Florence Drive, was present and said that his property is kitty corner to the southwest of Mr. & Mrs. Bartlett's property. Mr. Ferrari was in support of this request.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Kovacs said that he thought this was one of the best presented requests he had seen and thanked the petitioner for submitting such a complete plan.

Motion by Kovacs  
Supported by Vleck

MOVED, to grant Don Bartlett, 150 Florence, relief of Section 40.57.04 of the Zoning Ordinance to construct a 207 square foot freestanding gazebo located in the side yard, which would result in a total area of all accessory building to 1,254 square feet where 662 square feet are allowed; and, also approval under Section 40.57.10 which requires Board of Zoning Appeals approval for the placement of a freestanding gazebo.

**ITEM #12 – con't.**

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Absent a variance significant natural features would be negatively affected.
- Variance would not establish a prohibited use within a zoning district.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #13 – CORDELL CRAIG, 366 W. MAPLE (PROPOSED ADDRESS)**, for relief of Section 23.30.04 to construct a car wash with the stacking lane located right along a property line adjacent to residentially zoned property, where 25' is required; and, also for relief to construct this building with a 5' side yard setback where Paragraph E of Section 31.30.00, requires a minimum 10' side yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a car wash. Section 23.30.04 of the Zoning Ordinance requires that drives providing stacking spaces for car washes be a minimum of 25' from any Residential District. A previously submitted plan showed these stacking spaces located 12' from the east property line. A variance to allow the 12' where 25' is required was approved by the Board in May of 2002. New plans have now been submitted that indicate that the stacking lane will be located right along the property line at the northeast corner of the site where it abuts residentially zoned property.

In addition, the petitioner's plan indicates that the building will be located 5' from the west property line. Paragraph E of Section 31.30.00 requires a minimum 10' side yard setback when a B-3 (General Business) zoned site abuts an M-1 (Light Industrial) zoned site. A similar variance was approved by the Board in February of 2002, however, the petitioner failed to obtain the necessary building permit within the one year time frame.

Ms. Gies asked why the petitioner is returning again to the Board. Mr. Stimac indicated that the first approved plan had one stacking lane with a 12' distance from the stacking lane to the residential zoned property. The petitioner is now asking to have one lane of traffic that goes all the way around and that this stacking lane be located right along the property line adjacent to residentially zoned property. Mr. Stimac also said that the Building Department has been in the processing of reviewing these plans and while looking at the new site plan, discovered that Mr. Craig wished to change the location of the stacking lane.

Mr. Hutson asked if the only change in the revision was the location of the stacking lane. Mr. Stimac said that was correct. Mr. Hutson asked Mr. Craig why he made this change in his plans. Mr. Craig indicated that he had misunderstood the variance received from the Board last year. He thought that the stacking lane would be located



**ITEM #13 – con't.**

right next to the property line and found out during the site plan approval process that the Board had granted a 12' setback. Mr. Craig also said that he thought that the 12' setback would make it very difficult for cars to make this turn and felt that the 0' setback was a much safer option.

Mr. Kovacs asked if this would increase the number of cars. Mr. Craig said that the amount of cars would remain the same, but the 0' setback would provide an exit lane if there were any accidents, or if a car just needed to move out of the lane. Mr. Craig said this is what he meant last year, but obviously did not make himself clear at that time.

Mr. Fejes asked if this variance would affect Thunderbird Lanes in any way. Mr. Craig said it would not affect them and that their original opposition to this request was because Mr. Craig wanted a 0' setback for the building also. Mr. Craig pointed out that the building will remain with a 5' setback, it is only the location of the stacking lane that is changing.

Mr. Vleck asked about the setback along the residential property. Mr. Stimac said that a 25' setback is only required where commercial property abuts residential property and Mr. Craig is asking for a 0' setback.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals on file. There is one (1) written objections on file.

Motion by Vleck  
Supported by Fejes

MOVED, to grant Cordell Craig, 366 W. Maple (proposed address), relief of Section 23.30.04 of the Zoning Ordinance to construct a car wash with the stacking lane located right along a property line adjacent to residentially zoned property, where 25' is required; and, also for relief to construct this building with a 5' side yard setback where Paragraph E of Section 31.30.00 of the Zoning Ordinance requires a minimum 10' side yard setback.

- Retention pond is between this stacking lane and residential property.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Variance applies only to the property described in this petition.

Yeas: All – 5

MOTION TO GRANT VARIANCE GRANTED

**ITEM #14 – WHITE CHAPEL CEMETERY, 621 W. LONG LAKE**, for relief of Section 40.57.06 to construct a 32' tall roof mounted antenna on an existing building where 12' is allowed.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a 32' tall roof mounted antenna on the existing building at 621 W. Long Lake. Section 40.57.06 of the Zoning Ordinance limits the height of roof-mounted antennas to not more than 12' above the highest point of the roof. The site plan submitted indicates that the antenna, which is designed to look like a flagpole, will extend 32' above the roof surface.

Krysten Palko, of Richard Connor Riley & Associates, L.L.C. was present and stated that they have been working on finding a location for this antenna for approximately three (3) years. Ms. Palko indicated that the reason this site was chosen is because the surrounding property is highly residential and that this area creates problems for Sprint and AT&T regarding coverage for their customers and this location will provide more complete coverage for customers. Ms. Palko also said that Sprint and AT&T often coexist on a tower. Ms. Palko further indicated the antenna would be located on the top of the mausoleum and would appear to be a flagpole, which would minimize the visual impact of the antenna to surrounding areas. Ms. Palko pointed out that this building is 64' high with a 8' high parapet wall that will further cover the appearance of this antenna and furthermore from a distance the antenna will look like a flagpole at the top of the mausoleum.

Mr. Kovacs asked why other carriers do not use this type of design for their wireless antennas and Mr. Stimac said that although it will look like a flagpole from a distance it is actually 26" in diameter.

Mr. Vleck asked about the equipment required for this antenna and Ms. Palko said that all of the necessary equipment will be stored inside the mausoleum and will be concealed from site.

Mr. Vleck also asked why other carriers do not use this type of antenna and Ms. Palko said that type of antenna loses some of the capabilities that the typical antenna would provide, and also that it is more expensive to construct.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Motion by Vleck  
Supported by Kovacs

**ITEM #14 – Con't.**

MOVED, to grant White Chapel Cemetery, 621 W. Long Lake, relief of Section 40.57.06 to construct a 32' tall roof mounted antenna on an existing building where 12' is allowed.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance will not establish a prohibited use in a specific Zoning District.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #15 (ITEM #3) – JAMES HARRIS, 2888 BINBROOKE**, for relief of Section 30.10.02 to construct a master suite addition on the west side of his home, which would result in a 6'-2" side yard setback where a minimum 10' minimum side yard setback is required.

The Vice-Chairman moved this item to the end of the agenda, Item #15, to allow the petitioner the opportunity to be present.

Petitioner is requesting relief of Section 30.10.02 of the Zoning Ordinance to construct an addition to his home. The site plan submitted indicates a master suite addition on the west side of the home resulting in a 6'-2" side yard setback on the west side and a total of both side yards of 23'-2". Section 30.10.02 requires a 10' minimum side yard setback and a total of both sides of 25' in a R-1B Zoning District.

Motion by Vleck  
Supported by Kovacs

MOVED, to postpone the request of James Harris, 2888 Binbrooke, for relief of Section 30.10.02 to construct a master suite addition on the west side of his home, which would result in a 6'-2" side yard setback where a minimum 10' minimum side yard setback is required.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

**MOTION TO POSTPONE REQUEST UNTIL MEETING OF NOVEMBER 18, 2003 CARRIED**

Mr. Stimac mentioned that Mr. Maxwell will not be able to attend the meeting of November 18, 2003 and asked the Board if they would consider moving the meeting from Tuesday, November 18<sup>th</sup> to Wednesday, November 19, 2003. A discussion

ensued and it was determined that the meeting would have to remain on November 18<sup>th</sup> due to the fact that other Board members would not be able to attend on the 19<sup>th</sup>.

The Board of Zoning Appeals meeting adjourned at 10:15 P.M.

---

Marcia Gies, Vice-Chairman



---

Pamela Pasternak, Recording Secretary

MS/pp

Call to Order

The regular meeting of the Ethnic Issues Advisory Board was called to order on November 4, 2003 at 7:09 p.m. in Conference Room C at Troy City Hall.

Roll Call

Present:	Anju Brodbine	Oniell Shah
	Tom Kaszubski	Padma Kuppa
	Hailu Robele	Charles Yuan
	Flora Tan	Kara Huang, Student Rep
	Cindy Stewart, City Liaison	

Absent: Amin Hashmi, Katie Beyer

Approval of Minutes

Motion by Brodbine, support by Yuan to approve October 7, 2003 minutes. Approved unanimously.

Correspondence

- A. Lori from Alliance Mobile Health is interested in getting ideas on how they can better serve Troy's diverse population related to language and/or culture barriers
  - a. Schedule her to come to January meeting and ask her to fax us prior to Dec. meeting their concerns
  - b. EIA Board will brainstorm at December meeting ways to assist them. Each culture could develop guidelines for Alliance dealing with different cultures

New Business

- A. Board vacancy
  - a. Jeff Hyun sent application in Sept. – Charles will invite him to Dec. meeting. After board meets him, will make recommendation to Council if appropriate.
  - b. Cindy will tell Dave Lambert to ask Tony Haddad to fill out an application and he can be considered for the next vacancy

Old Business

- A. Sights & Sounds program

- a. Huge success for India. Still need a group for January. Oniell will check contacts at work re: Germany. Cindy will talk to Reinhard Lemke. Flora will check Birmingham Schools. They sponsored a German event.
  - b. Sights & Sounds of Italy – Board members that will work are Oniell, Padma, Hailu, Cindy. Kara & Katie will also try to be there to help.
  - c. Cindy will check Parks & Rec re: helium tanks. Some companies will rent one for a season that fills 700-800 balloons. Check is we can store at Parks & Rec.
  - d. Redo original letter to include info re: booths related to the culture
    - i. 25 business cards
    - ii. 50 brochures
    - iii. 75 booths
  - e. Check company re: cost for balloons - assorted colors with EIA logo
  - f. EIA brochures at event
  - g. Encourage fashion show, dancing, music at all programs
  - h. Program would be a great resource for middle school classes - Tom will approach Barb Fowler and Mike Williams re: geography classes
- B. Resource List
- a. Continue to work on this. Now that we've gone thru the list from J. Preston, - track down send other info related to all cultures.
- C. Diversity Week
- a. Resend letters in January to remind groups, churches, businesses, PTOs re: May date for Diversity Week. If groups can't do anything in 2004, then perhaps 2005 (approx first week in May each year).
- D. Law Brochure - Hindi & Gujrathi done; Charles has Chinese in the works, Spanish in the works; Flora has person to do Arabic and working on getting German and French. Email law brochure again to members.
- E. Move next meeting to Dec. 9 at 7 pm

Motion by Yuan, second by Robele to adjourn - Meeting adjourned at 8:25 pm

---

Tom Kaszubski, EIA Board Chairman

---

Cindy Stewart, Recording Secretary

**LIQUOR ADVISORY COMMITTEE MINUTES – DRAFT****November 10, 2003**

A regular meeting of the Liquor Advisory Committee was held on Monday, November 10, 2003 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Henry Allemon called the Meeting to order at 7:01 p.m.

**ROLL CALL:**

**PRESENT:** Henry W. Allemon  
Alex Bennett  
Anita Elenbaum  
W. Stan Godlewski  
Emily Polet, Student Representative  
Carolyn Glosby, Assistant City Attorney  
Sergeant Thomas J. Gordon  
Pat Gladysz

**ABSENT:** Max K. Ehlert  
James C. Moseley  
James R. Peard

**Resolution to Excuse Committee Members Ehlert, Moseley, and Peard**

Resolution #LC2003-11-011  
Moved by Godlewski  
Seconded by Elenbaum

RESOLVED, that the absence of Committee members Ehlert, Moseley, and Peard at the Liquor Advisory Committee meeting of November 10, 2003 BE EXCUSED due to other commitments.

Yes: All-4  
No: None  
Absent: Ehlert, Moseley, Peard

---

**Resolution to Approve Minutes of October 13, 2003 Meeting**

Resolution #LC2003-11-012  
Moved by Godlewski  
Seconded by Elenbaum

RESOLVED, that the Minutes of the October 13, 2003 meeting of the Liquor Advisory Committee be approved.

Yes: All-4  
No: None  
Absent: Ehlert, Moseley, Peard

---

**Agenda Items:**

1. **DRURY INNS, INC. (A MISSOURI CORPORATION)**, 575 W. Big Beaver, Troy, MI 48084, Oakland County requests to **add space** to 2003 **Class C and SDM** licensed business, ***and to change classification from Class C to B-Hotel.***  
[MLCC REQ ID# 231045]

Present to answer questions from the Committee was John Carlin.

Mr. Carlin explained that the Drury Inn is currently renovating the existing guest rooms in the north-south wing and adding 63 new guest rooms. Improvements are also being made to the entryway. The addition of the new guest rooms allows the corporation to request a change in classification from a "Class C" to a "Class B" hotel. This change in classification will permit the hotel to serve alcohol in the guest rooms in the form of room service and mini bars.

There was a brief discussion by the Committee members. Sgt. Gordon stated that the City inspections are currently underway on this property. Approval of this request should be on the condition that the inspections are approved.

Resolution #LC2003-11-013

Moved by Godlewski

Seconded by Bennett

RESOLVED, that DRURY INNS, INC. (A MISSOURI CORPORATION), 575 W. Big Beaver, Troy, MI 48084, Oakland County be allowed to add space to 2003 Class C and SDM licensed business, and to change classification from Class C to B-Hotel, pending approval of city inspections on current construction.

Yes: All-4  
No: None  
Absent: Ehlert, Moseley, Peard

---



Carolyn Glosby, assistant City Attorney, brought two items to the attention of the Committee.

1. Ms. Glosby read the language of House Bill Nos. 5201 and 5202, both of which are currently “in committee.”
  - Bill No. 5201 provides that a city with population over 750,000 may amend its ordinance to allow Class C licensees to serve alcohol until 4:00 a.m.
  - Bill No. 5202 provides that a home rule city (of any size) may amend its ordinance to allow any on-premises licensee to serve alcohol "until any such time as designated by the legislative body" of that city.
2. Ms. Glosby distributed a Proposed Resolution for review and approval by the Committee. This will be presented to City Council for their approval. Ms. Glosby and Lori Grigg Bluhm, City Attorney, will be attending the Michigan Liquor Control Commission Meeting in Lansing on December 3, 2003. They intend to present this Resolution to the MLCC for their consideration. The language of the Proposed Resolution appears below:

Proposed resolution

For review by Liquor Advisory Comm.

WHEREAS, the City Council has observed that within the City of Troy, several holders of specially designated dealer/specially designated merchant (“SDD/SDM”) licenses persist in selling or furnishing alcohol to minors despite being the subjects of previous prosecution on numerous occasions for this illegal activity; and

WHEREAS, current State law provides that SDD/SDM licenses may only be suspended or revoked by the Michigan Liquor Control Commission (the “Commission”) after it determines that the licensee has furnished or sold alcohol to a person under 21 years old on at least three occasions within a calendar year, if the person under 21 years of age did not use false or fraudulent identification (MCL 436.1501(3)); and

WHEREAS, local units of government are not permitted under current state law to object to the renewal of a SDD/SDM license, but only to request that the Commission revoke said license, and only under the aforementioned circumstances; and

WHEREAS, current State law permits local units of government to object to the annual renewal of Class C liquor licenses by the Commission, which provides a stronger and more effective remedy for prevention of future illegal sales of alcohol to minors; and

WHEREAS, the present inability of local units of government to object to the renewal of SDD/SDM licenses, or otherwise compel licensees' compliance with applicable law, deprives them of a significant and effective means for policing and maintaining the caliber of local businesses within their jurisdictions;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Troy, that it is recommended to the Commission that the Michigan Liquor Code be amended to allow local units of government to object to the annual renewal of SDD/SDM licenses; further, that said objection may be grounded upon the licensee's demonstrable pattern of disregard for applicable laws, regulations, and/or ordinances prohibiting the illegal sale or furnishing of alcohol to minors; and that a copy of this resolution be sent to the Commission.

Resolution #LC2003-11-014

Moved by Godlewski

Seconded by Elenbaum

RESOLVED, that the Proposed Resolution to amend the Michigan Liquor Code to allow local units of government to object to the annual renewal of SDD/SDM licenses on the grounds of the licensee's demonstrable pattern of disregard for applicable laws, regulations, and/or ordinances prohibiting the illegal sale or furnishing of alcohol to minors be approved and submitted to the City Council for their review.

Yes: All-4

No: None

Absent: Ehlert, Moseley, Peard

The Meeting adjourned at 7:37 p.m.

---

Henry W. Allemon

---

Patricia A. Gladysz, Clerk-Typist

October 28, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Charles T. Craft, Chief of Police  
Wendell Moore, Research & Technology Administrator

SUBJECT: 2003 Year-To-Date Crime and Police Calls for Service Report

Attached is a spreadsheet detailing 2003 calls for service, criminal offenses, traffic crashes and citations issued through September. This report's format complies with the National Incident Based Reporting System. All offenses within an incident are reported.

### **CALLS FOR POLICE SERVICE, ARRESTS, CLEARANCE RATE**

Overall, calls for police service are down 2.6% (783 actual calls) from year 2002 levels. Total incidents of crime (group A & B combined) decreased 1.5% or 70 incidents. Total arrests decreased by 130 arrests or 5.4%. The clearance rate for Group A & B crime is 36.5%.

### **GROUP A CRIME, ARRESTS, CLEARANCES**

Group A Crime increased by 3.4% or 93 reported incidents. Increases occurred in the following categories:

- Destruction/Damage/Vandalism – up 21.7% (75 incidents)
- Larceny/Theft – up 7.0% (78 incidents)
- Motor Vehicle Theft – up 21.5% (20 incidents)

The larceny/theft increase is attributed to a recent increase in laptop computer thefts from commercial establishments. The Criminal Investigations Section is actively working on this matter.

Group A criminal incidents showing decrease from 2002 levels include:

- Breaking & Entering – down 10.4% (28 incidents)
- Fraud Offenses – down 16.3% (26 incidents)

Group A arrests decreased by 30, or 3.5%. The clearance rate for Group A crime remains high at 28.5%.

### **GROUP B CRIME, ARRESTS, CLEARANCES**

Group B crimes decreased 7.9% or 163 incidents. With the exception of Driving Under the Influence, which decreased by 95 incidents, all other categories had small numerical decreases or increases from 2002 levels.

Group B arrests decreased by 22.7% (236 arrests), while the clearance rate remained high at 48.4%.

### **GROUP C CALLS FOR POLICE SERVICE**

Group C calls for service (non-criminal incidents) decreased 2.8% or 714 calls. False alarms (burglary alarms, robbery alarms) continue to decrease and are down 16.7% (629 alarms). In that alarms are the most frequent call for service the department receives, and in light of the increasing number of alarms, this decrease is significant. As with other years, Group C (non-criminal) calls for service comprise over 83% of the total calls for service answered by the department. Year to date, false alarms comprise 10.6% of the total calls for service.

Overall, traffic crashes are up 11.9% or 273 crashes from last years level (this does not include crashes that occurred on private property). Within that category, injury crashes are down 1.6% (9 crashes) while property damage crashes increased by 16.5% (284 crashes). Hazardous citations issued increased by 4.0%, or 362 citations. Non-hazardous citations and license/title/registration citations all decreased.

Please feel free to contact Chief Craft or Wendell Moore if you require additional information.

***Troy Police Department***

### **January through September 2003/2002 Comparison**

[illegible]

# Troy Police Department

## January through September 2003/2002 Comparison

Description	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Jan. - Sept.		Percent	Jan. - Sept.		Percent	Jan. - Sept.		Percent	Jan. - Sept.	
	2003	2002	Change	2003	2002	Change	2003	2002	Change	2003	Percent
Alarms	3,130	3,759	-16.7%	3,130	3,759	-16.7%	NA	NA	NA	NA	NA
All Other	21,526	21,611	-0.4%	21,735	21,986	-1.1%	645	509	26.7%	NA	NA
Group C Miscellaneous Total	24,656	25,370	-2.8%	24,865	25,745	-3.4%	645	509	26.7%	NA	NA
Group E Fire Total	57	56	1.8%	57	56	1.8%	NA	NA	NA	NA	NA
Grand Totals	29,447	30,230	-2.6%	29,913	30,980	-3.4%	2,286	2,416	-5.4%	1,821	36.5%
<b>Traffic Crashes and Citations</b>											
<b>Reportable Traffic Crashes</b>				<b>2003 Alcohol Involved Crashes</b>							
Personal Injury	556	565	-1.6%	18 Incidents--3.23% involved alcohol.							
Property Damage	2,001	1,717	16.5%	31 Incidents--5.58% involved alcohol.							
Fatal	2	4	-50.0%	1 Incidents--50.0% involved alcohol.							
Total Reportable	2,559	2,286	11.9%	50 Incidents--1.95% of all reportable crashes involved alcohol.							
Private Property Crashes	853	987	-13.6%								
Crashes Grand Total	3,412	3,273	4.2%								
<b>Traffic Citations</b>											
Hazardous	9,466	9,104	4.0%								
Non-hazardous	828	991	-16.4%								
License, Title, Registration	1,903	2,790	-31.8%								
Parking	719	857	-16.1%								
Traffic Citations Total	12,916	13,742	-6.0%								

DATE: November 4, 2003  
 TO: John Szerlag, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued during the Month of October 2003

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Fnd. New	1	\$60,000.00	\$1,087.50
Add/Alter	4	\$496,625.00	\$3,338.50
<b>Sub Total</b>	<b>5</b>	<b>\$556,625.00</b>	<b>\$4,426.00</b>
<b><u>COMMERCIAL</u></b>			
New	1	\$586,000.00	\$4,905.00
Tenant Completion	4	\$399,000.00	\$4,786.75
Add/Alter	23	\$1,780,387.00	\$13,832.75
Kiosk	1	\$1,000.00	\$25.00
<b>Sub Total</b>	<b>29</b>	<b>\$2,766,387.00</b>	<b>\$23,549.50</b>
<b><u>RESIDENTIAL</u></b>			
New	8	\$1,921,475.00	\$21,023.55
Add/Alter	26	\$690,136.00	\$7,324.50
Garage/Acc. Structure	11	\$156,892.00	\$1,911.50
Repair	1	\$6,400.00	\$165.00
Wreck	6	\$0.00	\$900.00
Fnd./Slab/Footing	4	\$13,500.00	\$365.00
<b>Sub Total</b>	<b>56</b>	<b>\$2,788,403.00</b>	<b>\$31,689.55</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
New	41	\$4,045,934.00	\$35,362.25
Add/Alter	2	\$35,000.00	\$495.00
<b>Sub Total</b>	<b>43</b>	<b>\$4,080,934.00</b>	<b>\$35,857.25</b>
<b><u>MULTIPLE</u></b>			
Add/Alter	3	\$24,000.00	\$390.00
<b>Sub Total</b>	<b>3</b>	<b>\$24,000.00</b>	<b>\$390.00</b>



**INSTITUTIONAL/HOSPITAL**

Add/Alter	1	\$32,600.00	\$350.75
-----------	---	-------------	----------

<b>Sub Total</b>	<b>1</b>	<b>\$32,600.00</b>	<b>\$350.75</b>
------------------	----------	--------------------	-----------------

**MUNICIPAL**

Add/Alter	4	\$986,100.00	\$0.00
-----------	---	--------------	--------

<b>Sub Total</b>	<b>4</b>	<b>\$986,100.00</b>	<b>\$0.00</b>
------------------	----------	---------------------	---------------

**RELIGIOUS**

Garage/Acc. Structure	1	\$3,200.00	\$121.00
-----------------------	---	------------	----------

<b>Sub Total</b>	<b>1</b>	<b>\$3,200.00</b>	<b>\$121.00</b>
------------------	----------	-------------------	-----------------

**MISCELLANEOUS**

Satellite/Antennas	2	\$64,520.00	\$687.00
--------------------	---	-------------	----------

Signs	35	\$0.00	\$3,455.00
-------	----	--------	------------

Fences	16	\$0.00	\$260.00
--------	----	--------	----------

<b>Sub Total</b>	<b>53</b>	<b>\$64,520.00</b>	<b>\$4,402.00</b>
------------------	-----------	--------------------	-------------------

<b>TOTAL</b>	<b>195</b>	<b>\$11,302,769.00</b>	<b>\$100,786.05</b>
--------------	------------	------------------------	---------------------

**PERMITS ISSUED DURING THE MONTH OF OCTOBER 2003**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	7	\$70.00
Cert. of Occupancy	79	\$2,898.30
Plan Review	122	\$5,082.63
Microfilm	39	\$523.00
Building Permits	195	\$100,786.05
Electrical Permits	187	\$12,073.00
Heating Permits	162	\$7,650.00
Air Cond. Permits	41	\$1,580.00
Refrigeration Permits	2	\$155.00
Plumbing Permits	154	\$15,022.00
Storm Sewer Permits	11	\$2,044.00
Sanitary Sewer Permits	5	\$185.00
Sewer Taps	42	\$10,614.00
<b>TOTAL</b>	<b>1046</b>	<b>\$158,682.98</b>

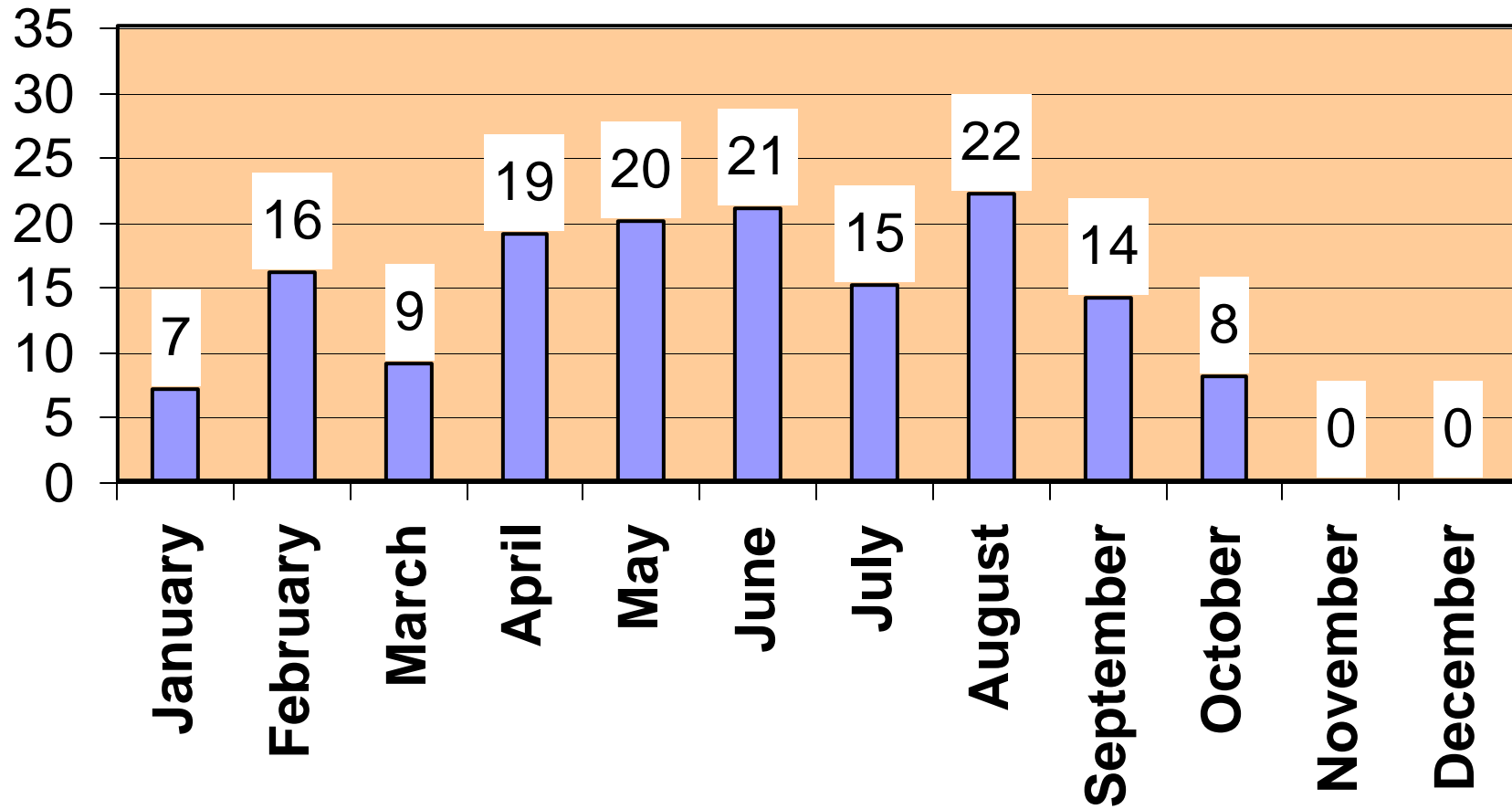
**LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF OCTOBER 2003**

	NO.	LICENSE FEE
Mech. Contr.-Reg.	58	\$290.00
Elec. Contr.-Reg.	28	\$420.00
Master Plmb.-Reg.	23	\$23.00
Sewer Inst.-Reg.	4	\$200.00
Sign Inst. - Reg.	5	\$50.00
E. Sign Contr-Reg.	1	\$15.00
Fence Inst.-Reg.	2	\$20.00
Bldg. Contr.-Reg.	20	\$200.00
F.Alarm Contr.-Reg.	3	\$45.00
<b>TOTAL</b>	<b>144</b>	<b>\$1,263.00</b>

## BUILDING PERMITS ISSUED

	BUILDING PERMITS 2002	PERMIT VALUATION 2002	BUILDING PERMITS 2003	PERMIT VALUATION 2003
JANUARY	125	\$21,945,624	83	\$3,349,579
FEBRUARY	106	\$24,049,206	98	\$6,941,418
MARCH	121	\$10,452,003	106	\$10,102,093
APRIL	123	\$9,240,105	150	\$7,185,781
MAY	180	\$6,860,859	269	\$13,984,618
JUNE	225	\$12,585,296	209	\$20,116,880
JULY	193	\$7,968,796	196	\$17,222,754
AUGUST	186	\$31,423,350	179	\$7,971,188
SEPTEMBER	173	\$12,714,701	181	\$13,656,695
OCTOBER	189	\$12,832,019	195	\$11,302,769
NOVEMBER	122	\$8,532,727	0	\$0
DECEMBER	89	\$6,789,846	0	\$0
<b>TOTAL</b>	<b>1832</b>	<b>\$165,394,532</b>	<b>1666</b>	<b>\$111,833,775</b>

## SINGLE FAMILY DWELLING PERMITS 2003



**BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF OCTOBER 2003**

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	MICHNIAK, CHRIS	5725 DELPHI	200,000.00
Commercial, Add/Alter	GLENN JOSEPH	2401 W BIG BEAVER 700	351,720.00
Commercial, Add/Alter	ROBERT DESALVIO	901 WILSHIRE 100	107,000.00
Commercial, Add/Alter	HANLIN RAINALDI CONSTRUCTION	2800 W BIG BEAVER U-209	190,443.00
Commercial, Add/Alter	SASCON, INC.	1985 W BIG BEAVER	183,180.00
Commercial, Add/Alter	NEMER PROPERTY GROUP	3001 W BIG BEAVER 600	127,000.00
Total Commercial, Add/Alter			1,159,343.00
Commercial, New Building	ROCKFORD CONSTRUCTION	208 W FOURTEEN MILE	586,000.00
Total Commercial, New Building			586,000.00
Commercial, Tenant Completion	EMC CONSTRUCTION	1339 COOLIDGE	109,000.00
Commercial, Tenant Completion	TROY PROFESSIONAL ASSOC LLC	2891 E MAPLE 101	100,000.00
Commercial, Tenant Completion	TROY PROFESSIONAL ASSOC LLC	2891 E MAPLE 100	100,000.00
Total Commercial, Tenant Completion			309,000.00
Industrial, Add/Alter	FARKAS, PAUL	1225 E MAPLE	291,625.00
Industrial, Add/Alter	CHARLES STROH	945 STEPHENSON	100,000.00
Industrial, Add/Alter	FRANK REWOLD & SON, INC.	1945 HEIDE	100,000.00
Total Industrial, Add/Alter			491,625.00
Municipal, Add/Alter	GERALD YURK ASSOCIATES	60 W WATTLES	597,100.00
Municipal, Add/Alter	GERALD YURK ASSOCIATES	60 W WATTLES	389,000.00
Total Municipal, Add/Alter			986,100.00
Records 16			Total Valuation: 3,532,068.00

**CITY OF TROY**  
**MONTHLY FINANCIAL REPORT**  
**31-Oct-03**

CITY OF TROY  
Monthly Financial Report  
General Fund  
For the Period Ending October 31, 2003

## CITY OF TROY GENERAL FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	30,399,278	31,065,440	838,188	31,969,889	102.91
BUSINESS LICENSES & PERMITS	39,234	44,000	2,031	7,627	17.33
NON-BUS. LICENSES & PERMITS	1,409,770	1,524,500	125,607	542,431	35.58
FEDERAL GRANTS	213,137	50,000	0	5,517	11.03
STATE AGENCIES	7,749,165	7,637,000	1,250	1,410,214	18.47
CONTRIBUTIONS-LOCAL	142,450	120,000	33,558	39,388	32.82
CHARGES FOR SERVICES - FEES	1,037,337	1,109,500	32,639	91,378	8.24
CHARGES FOR SERVICES - REND.	2,386,758	1,719,100	37,971	229,111	13.33
CHARGES FOR SERVICES - SALES	47,490	159,000	32,227	152,271	95.77
CHARGES FOR SERVICES - REC	2,190,857	2,694,160	122,987	743,809	27.61
FINES & FORFEITS	896,833	1,027,000	57,802	262,043	25.52
INTEREST AND RENTS	696,307	1,040,700	52,593	167,655	16.11
OTHER REVENUE	367,207	350,940	18,032	111,164	31.68
OTHER FINANCING SOURCES	7,899,144	9,378,040	3,417,290	4,904,900	52.30
TOTAL GENERAL FUND REVENUE	55,474,967	57,919,380	4,772,175	40,637,397	70.16
EXPENDITURES					
LEGISLATIVE	1,853,599	1,956,950	123,339	551,238	28.17
FINANCE	4,168,062	4,642,530	282,170	1,223,919	26.36
OTHER GEN GOVERNMENT	2,157,616	2,555,680	180,068	667,322	26.11
POLICE	19,837,794	21,426,110	1,555,676	6,091,614	28.43
FIRE	3,579,858	3,683,410	178,789	1,367,614	37.13
BUILDING INSPECTION	1,811,704	1,978,860	138,637	606,156	30.63
STREETS	4,930,824	5,324,500	360,863	1,252,720	23.53
ENGINEERING	2,600,192	3,018,400	219,213	818,397	27.11
RECREATION	7,247,260	7,910,940	539,256	2,559,707	32.36
LIBRARY	4,474,276	4,744,000	362,655	1,308,535	27.58
TRANSFERS OUT	10,000	678,000	0	678,000	100.00
TOTAL GEN FUND EXPENDITURES	52,671,185	57,919,380	3,940,666	17,125,222	29.57

## REFUSE FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,800,178	3,870,000	0	3,904,162	100.88
CHARGES FOR SERVICES - REND.	205,650	0	0	152,700	.00
CHARGES FOR SERVICES - SALES	723	500	87	408	81.60
INTEREST AND RENTS	61,289	60,000	3,941	12,613	21.02
OTHER FINANCING SOURCES	280,340	455,230	455,230	455,230	100.00
TOTAL REVENUE	4,348,180	4,385,730	459,258	4,525,113	103.18
EXPENDITURES					
CONTRACTORS SERVICE	4,031,670	4,200,000	529,304	1,218,637	29.02
OTHER REFUSE EXPENSE	46,522	50,380	827	11,228	22.29
RECYCLING	119,948	135,350	5,469	23,311	17.22
TOTAL EXPENDITURES	4,198,140	4,385,730	535,600	1,253,176	28.57



For the Period Ending October 31, 2003

## CAPITAL FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	7,417,214	7,594,000	0	7,620,171	100.34
FEDERAL GRANTS	78,805	0	0	0	.00
STATE AGENCIES	6,157,117	7,454,250	79,053	129,657	1.74
CHARGES FOR SERVICES - REND.	168,206	160,000	588	5,520	3.45
INTEREST AND RENTS	454,612	400,000	27,351	101,707	25.43
OTHER REVENUE	287,882	0	69,647	87,699	.00
OTHER FINANCING SOURCES	47,050,522	14,608,910	11,108,910	11,483,910	78.61
TOTAL REVENUE	61,614,358	30,217,160	11,285,549	19,428,664	64.30
EXPENDITURES					
FINANCE	20,805	130,000	2,463	2,463	1.89
OTHER GEN GOVERNMENT	222,101	2,128,000	585	477,831	22.45
POLICE	307,687	1,584,100	68,247	71,891	4.54
FIRE	451,731	1,066,750	0	0	.00
BUILDING INSPECTION	20,871	30,000	6,260	113,175	377.25
STREETS	14,879,320	18,231,300	551,664	1,946,821	10.68
ENGINEERING	18,835	0	0	0	.00
RECREATION	10,486,899	2,556,000	398,775	1,260,572	49.32
LIBRARY	249,018	125,000	0	36,417	29.13
MUSEUM	244,196	1,382,540	102,973	345,610	25.00
STORM DRAINS & RET PONDS	411,374	1,662,970	24,768	77,461	4.66
INFORMATION TECHNOLOGY	152,996	1,320,500	0	4,841	.37
TOTAL EXPENDITURES	27,465,833	30,217,160	1,155,735	4,337,082	14.35

CITY OF TROY  
Monthly Financial Report  
Sanctuary Lake Golf Course  
For the Period Ending October 31, 2003

1  
11/10/03  
16:37:56

## SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	0	2,000	229	229	11.45
CHARGES FOR SERVICES - REC	0	100,000	2,443	21,595	21.60
INTEREST AND RENTS	0	1,000	11	11	1.10
OTHER REVENUE	0	0	0	0	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	0	103,000	2,683	21,835	21.20
EXPENDITURES					
SANCTUARY LAKE GREENS	0	0	0	0	.00
SANCTUARY LAKE PRO SHOP	0	58,910	2,438	7,381	12.53
SANCTUARY LAKE CAPITAL	0	0	0	0	.00
TOTAL EXPENDITURES	0	58,910	2,438	7,381	12.53

## SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
-----					
REVENUES					
CHARGES FOR SERVICES - SALES	58,910	48,000	2,366	21,381	44.54
CHARGES FOR SERVICES - REC	1,142,907	1,241,530	63,919	601,692	48.46
INTEREST AND RENTS	112,639	90,000	8,296	46,903	52.11
OTHER REVENUE	16,057	0	61-	408-	.00
OTHER FINANCING SOURCES	180,690	11,530	11,530	11,530	100.00
-----					
TOTAL REVENUE	1,511,203	1,391,060	86,050	681,098	48.96
=====					
EXPENDITURES					
SYLVAN GLEN GREENS	912,507	892,090	72,070	306,785	34.39
SYLVAN GLEN PRO SHOP	333,980	353,970	31,574	123,303	34.83
SYLVAN GLEN CAPITAL	217,552	145,000	0	16,713	11.53
-----					
TOTAL EXPENDITURES	1,464,039	1,391,060	103,644	446,801	32.12
=====					

83500  
FINANCE  
FIN587F3

CITY OF TROY  
Monthly Financial Report  
Aquatic Center  
For the Period Ending October 31, 2003

1  
11/10/03  
16:38:24

AQUATIC CENTER FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	383,390	431,620	0	122,781	28.45
INTEREST AND RENTS	33,848	28,000	0	14,008	50.03
OTHER REVENUE	7	0	0	7-	.00
TOTAL REVENUE	417,245	459,620	0	136,782	29.76
EXPENDITURES					
AQUATIC CENTER	475,739	578,120	32,932	243,302	42.09
CAPITAL	11,684	50,000	0	0	.00
TOTAL EXPENDITURES	487,423	628,120	32,932	243,302	38.73

83500  
FINANCE  
FIN590F3

CITY OF TROY  
Monthly Financial Report  
Sewer Fund  
For the Period Ending October 31, 2003

1  
11/10/03  
16:38:38

SEWER FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	210,191	200,000	13,536	66,692	33.35
CHARGES FOR SERVICES - REND	8,973,121	9,430,000	1,151,508	1,807,614	19.17
INTEREST AND RENTS	334,579	300,000	16,289	51,053	17.02
OTHER REVENUE	0	0	0	0	.00
TOTAL REVENUE	9,517,891	9,930,000	1,181,333	1,925,359	19.39
EXPENDITURES					
ADMINISTRATION	8,216,629	8,185,750	1,428,605	3,376,480	41.25
MAINTENANCE	1,412,032	1,734,630	34,761	422,810	24.37
CAPITAL	1,812,800	3,379,600	0	80,773	2.39
TOTAL EXPENDITURES	11,441,461	13,299,980	1,463,366	3,880,063	29.17

For the Period Ending October 31, 2003

## WATER FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	1,025,368	830,000	86,635	321,959	38.79
CHARGES FOR SERVICES - SALES	10,270,198	9,465,500	1,178,381	1,658,326	17.52
INTEREST AND RENTS	404,796	448,000	12,132	40,173	8.97
OTHER REVENUE	0	0	0	0	.00
TOTAL REVENUE	11,700,362	10,743,500	1,277,148	2,020,458	18.81
EXPENDITURES					
ADMINISTRATION	8,457,741	8,277,780	1,886,462	3,495,627	42.23
TRANS AND DISTRIBUTION	173,842	246,330	5,203	21,202	8.61
CUSTOMER INSTALLATION	0	108,370	0	0	.00
CONTRACTORS SERVICE	156,818	200,260	12,096	62,384	31.15
MAIN TESTING	60,822	187,610	3,555	21,083	11.24
MAINTENANCE OF MAINS	397,601	335,420	35,329	123,408	36.79
MAINTENANCE OF SERVICES	191,824	197,190	15,954	85,261	43.24
MAINTENANCE OF METERS	189,104	250,480	17,668	57,680	23.03
MAINTENANCE OF HYDRANTS	252,574	336,530	36,879	90,804	26.98
METERS AND TAP-INS	152,435	346,930	11,774	69,838	20.13
WATER METER READING	121,940	83,270	15,708	53,082	63.75
ACCOUNTING AND COLLECTING	59,813	72,140	9,769	27,923	38.71
CAPITAL	3,285,483	8,911,000	176,507	277,664	3.12
TOTAL EXPENDITURES	13,499,997	19,553,310	2,226,904	4,385,956	22.43

## MOTOR POOL FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	0	0	.00
INTEREST AND RENTS	3,582,909	3,559,040	272,764	1,236,014	34.73
OTHER REVENUE	351,740	147,400	54,698	117,270	79.56
OTHER FINANCING SOURCES	1,760,280	1,422,810	1,422,810	1,422,810	100.00
TOTAL REVENUE	5,694,929	5,134,250	1,750,272	2,776,094	54.07
=====					
EXPENDITURES					
ADMINISTRATION	472,753	488,890	31,465	135,872	27.79
OPERATION AND MAINTENANCE	2,772,608	2,937,310	235,951	866,364	29.50
DPW FACILITY MAINTENANCE	334,450	347,650	18,484	75,346	21.67
CAPITAL	1,353,989	1,360,400	36,450	37,898	2.79
TOTAL EXPENDITURES	4,933,800	5,134,250	322,350	1,115,480	21.73
=====					



# Fifth Third Securities, Inc.

38 Fountain Square • MD1 COM13 • Cincinnati, OH 45202  
888-880-1025 • 513-534-8820  
Internet Address "www.53.com"

YOUR BROKERAGE ACCOUNT STATEMENT

September 30, 2003 to  
October 31, 2003

>33547 0763562 001 008137 AGS  
CITY OF TROY - GENERAL ACCOUNT  
ATTN: JOHN LAMERATO  
500 W BIG BEAVER  
TROY MI 48084

YOUR ACCOUNT NUMBER  
**30707214**

YOUR REPRESENTATIVE  
**WILLIAM J. KIELCZEWSKI**  
(248) 603 0494  
REP ID: F928

## Total value of your account on Oct 31, 2003

**\$16,107,640.94**

Cash account

**\$16,107,640.94**

## Change in the value of your account

Total value of your account on September 30, 2003

**\$16,156,039.89**

• deposits and transfers into your account, less withdrawals and transfers out

**\$35,743.89**

• income your investments have earned

**(\$7,497.97)**

• charges and other deductions

**(\$76,644.87)**

• change in the value of your investments

Total value of your account on October 31, 2003

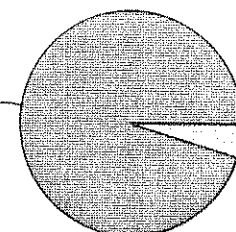
**\$16,107,640.94**

Get the best in brokerage and banking with the Fifth Third Capital Management Account. This brokerage account combines stocks, bonds, mutual funds and premium checking into a simple monthly statement. And with over 1,000 ATMs, you have easy access to your cash. See your Financial Advisor or visit [www.53.com](http://www.53.com) for details.

## Asset allocation

Cash and equivalents	\$778,331.18
Fixed income	\$15,329,309.76
Taxable fixed income	\$15,329,309.76
<b>Total assets</b>	<b>\$16,107,640.94</b>
<b>Total value of your account on October 31, 2003</b>	<b>\$16,107,640.94</b>

Fixed income 95.17%



Cash and equivalents 4.83%

## Summary of your income

	This period	Year-to-date
Taxable income		
Interest from investments	\$34,460.65	\$401,271.16
Money market dividends	\$1,283.24	\$12,807.91
Accrued interest on sales		\$57,265.33
<b>Total taxable income</b>	<b>\$35,743.89</b>	<b>\$471,344.40</b>
<b>Total income your investments have earned</b>	<b>\$35,743.89</b>	<b>\$471,344.40</b>

## Charges and other deductions

Accrued interest on purchases	\$7,497.97	\$98,923.39
<b>Total charges and other deductions</b>	<b>\$7,497.97</b>	<b>\$98,923.39</b>

Fifth Third Securities is not a bank and securities offered by it are not insured by the FDIC or any other governmental agency, are not deposits or obligations of any bank, are not endorsed or guaranteed by any bank, and are subject to investment risks, including the possible loss of principal.

33547 0763562 067362 105518 00001/00003

Account carried with Fiserv Securities, Inc., a member of the NYSE, NASD and other principal exchanges, SIPC.

PAGE 1 OF 5



September 30, 2003 to

October 31, 2003



Fifth Third Securities, Inc.

38 Fountain Square • MD1 COM13 • Cincinnati, OH 45202

888 889-1025 • 513 534-8820

Internet Address "www.53.com"

## CITY OF TROY - GENERAL ACCOUNT

YOUR ACCOUNT NUMBER

30707214

## Your investments — cash account

	Quantity	Price on 10/31/03 (\$)	Value on 10/31/03 (\$)	Est. annual income (\$)	Est. yield (%)
<b>Cash and equivalents</b>					
5/3 INSTL GOVT MM PREF CLASS			778,331.18		0.11
<b>Total cash and equivalents</b>			<b>778,331.18</b>		
<b>Fixed income — taxable</b>					
<b>Government and agency bonds</b>					
FEDERAL HOME LN MTG CORP MED TERM NT CALLABLE dDtd 12/09/02 CPN/MATY 2.55% 06/09/05 FC 12/09/03 @ 100 MOODY'S Aaa S&P AAA 3128X0NM7	1,000,000	100.1160	1,001,160.00	25,500.00	2.54
FEDERAL HOME LN MTG CORP MEDIUM TERM NTS CALLABLE dDtd 01/13/03 CPN/MATY 2.625% 01/13/06 FC 01/13/04 @ 100 MOODY'S Aaa S&P AAA 3128X0VA4	2,000,000	100.2470	2,004,940.00	52,500.00	2.61
FEDERAL HOME LN MTG CORP MEDIUM TERM NT CALLABLE CPN=2% TO 06-05 THEREAFTER 4% dDtd 06/10/03 CPN/MATY 2% 12/10/08 FC 06/10/05 @ 100 MOODY'S Aaa S&P AAA 3128X1GL5	500,000	98.1120	490,560.00	10,000.00	2.03
FEDERAL HOME LOAN BANK CONS BD CPN RATE 21/4% TO 7/05; THEREAF CALLABLE dDtd 07/23/03 CPN/MATY 2.25% 07/23/09 FC 01/23/04 @ 100 MOODY'S Aaa S&P AAA 31339YJ52	1,700,000	98.3130	1,671,321.00	38,250.00	2.28
<b>Total government and agency bonds</b>			<b>5,167,981.00</b>		
<b>Mortgage &amp; asset-backed securities</b>					
FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 25 dDtd 12/01/02 CPN/MATY 4% 12/15/27 FACTOR IS 0.60231 FHR02 2541LU	3,700,000	100.2200	2,233,452.51	89,141.98	3.99
FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 26 dDtd 07/01/03 CPN/MATY 3.5% 03/15/33 FACTOR IS 0.98445 FHR03 2640WA	1,300,000	98.9600	1,266,482.64	44,792.73	3.53
FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2002 CL 25 dDtd 10/01/02 CPN/MATY 4.5% 10/15/17 FACTOR IS 0.00076 FHR02 2517JH	1,540,000	99.9850	1,173.58	52.81	4.50
FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 25 dDtd 04/01/03 CPN/MATY 5.25% 08/15/31 FACTOR IS 0.08972 FHR03 2596TD	3,000,000	100.2320	269,796.05	14,131.50	5.23
FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 26 dDtd 06/01/03 CPN/MATY 5% 07/15/31 FACTOR IS 0.53146 FHR03 2627JK	2,000,000	97.6430	1,037,881.89	53,146.76	5.12
FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 26 dDtd 06/01/03 CPN/MATY 5% 06/15/31 FACTOR IS 1.00000 FHR03 2632AA	1,121,000	98.4490	1,103,613.29	56,050.00	5.07
FEDERAL NATL MTG ASSN GTD PASSTHRU CTF REMIC 2003 CL 97 dDtd 09/01/03 CPN/MATY 5% 05/25/18 FACTOR IS 0.93078 FNR03 97CB	2,000,000	100.5150	1,871,150.91	93,078.19	4.97
FEDERAL NATL MTG ASSN MULTICLA MTG PARTN CTF REMIC 2003 CL 79 dDtd 07/01/03 CPN/MATY 5% 11/25/32 FACTOR IS 0.86872 FNR03 79WE	1,500,000	96.9670	1,263,571.79	65,154.73	5.15

**CITY OF TROY - GENERAL ACCOUNT**

YOUR ACCOUNT NUMBER  
**30707214**

**Your investments — cash account** cont'd

	Quantity	Price on 10/31/03 (\$)	Value on 10/31/03 (\$)	Est. annual income (\$)	Est. yield (%)
<b>Mortgage &amp; asset-backed securities</b> cont'd					
FHLMC PARTN CTF POOL E95237 dDtd 03/01/03 CPN/MATY 5% 03/01/13 FACTOR IS 0.88653 FHLMC E95237	1,000,000	102.1060	905,206.10	44,326.78	4.89
<b>Total mortgage &amp; asset-backed securities</b>			<b>9,952,328.76</b>		
<b>Municipal bonds</b>					
KENT CNTY MICH VAR RATE TAXABL TAX NTS BOOK ENTRY ONLY OPT PU 05/16/02 100.000 & EA DAY NOTIF DATES 7 DAYS B4 PUT dDtd 05/10/02 CPN/MATY 0% 03/01/05 FC 07/01/02 @ 100 PRE-REF N MOODY'S MIG1 S&P SP1+ 490278P93	209,000	100.0000	209,000.00		
<b>Total municipal bonds</b>			<b>209,000.00</b>		
<b>Total taxable fixed income</b>			<b>15,329,309.76</b>		
<b>Total fixed income</b>			<b>15,329,309.76</b>		
<b>Value of your cash account</b>			<b>16,107,640.94</b>		

**Total value of your account**

**\$16,107,640.94**

**Activities in your account — cash account**

Date	Activity	Details	Quantity	Price (\$)	Amount added to (deducted from) your account(\$)
10/01/03	TAXABLE BND INT	KENT CNTY MICH VAR RATE TAXABL TAX NTS BOOK ENTRY ONLY OPT PU CPN/MATY 0% 03/01/05			190.96
10/02/03	SWEEP	SWEPT TO FIFTH THIRD INSTL GOV AUTOMATIC PURCHASE			(190.96)
10/15/03	SELL	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 26 CPN/MATY 5% 06/15/31	(112,000)	100.0000	112,000.00
10/15/03	TAXABLE BND INT	FHLMC PARTN CTF POOL E95237 ON 1000000 CPN/MATY 5% 03/01/13			3,756.37
10/15/03	TAXABLE BND INT	FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 25 ON 3700000 CPN/MATY 4% 12/15/27			8,497.16
10/15/03	TAXABLE BND INT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 25 ON 3000000 CPN/MATY 5.25% 08/15/31			2,314.80
10/15/03	TAXABLE BND INT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 26 ON 1233000 CPN/MATY 5% 06/15/31			5,137.49
10/15/03	TAXABLE BND INT	FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 26 ON 1300000 CPN/MATY 3.5% 03/15/33			3,753.76
10/15/03	TAXABLE BND INT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 26 ON 2000000 CPN/MATY 5% 07/15/31			5,205.08
10/15/03	TAXABLE BND INT	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2002 CL 25 ON 1540000 CPN/MATY 4.5% 10/15/17			4.54
10/15/03	PRINCIPAL PYMNT	FHLMC PARTN CTF POOL E95237 PRINCIPAL DISTRIBUTION CPN/MATY 5% 03/01/13			14,995.78

**Current Portfolio**

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
----------	----------------------	------------------	------------------------------	------------------------	------------------------------	------------------------------	---------------------------------	----------------------------------	-------------------------------	-----------------------

A change in tier assignment will automatically convert the class of WCMA money fund shares held in your account. The WCMA Agreement and Program Description and the WCMA Fund Prospectus contain more details.

**Government Securities**

2,496,000	U.S. TREASURY BILL ZERO% NOV 06 2003	07/02/03	99.69	2,488,487	99.98	2,495,625	N/A			
2,430,000	U.S. TREASURY BILL ZERO% NOV 13 2003	07/10/03	99.70	2,422,855	99.96	2,429,198	N/A			
2,484,000	U.S. TREASURY BILL ZERO% NOV 20 2003	07/17/03	99.69	2,476,349	99.94	2,482,708	N/A			
2,111,000	U.S. TREASURY BILL ZERO% DEC 04 2003	07/24/03	99.66	2,103,824	99.91	2,109,184	N/A			
2,085,000	U.S. TREASURY BILL ZERO% DEC 11 2003	07/30/03	99.65	2,077,759	99.89	2,082,894	N/A			
2,949,000	U.S. TREASURY BILL ZERO% DEC 18 2003	08/19/03	99.69	2,939,881	99.87	2,945,431	N/A			
3,568,000	U.S. TREASURY BILL ZERO% JAN 08 2004	08/07/03	99.58	3,553,042	99.82	3,561,791	N/A			
2,483,000	U.S. TREASURY BILL ZERO% JAN 15 2004	08/21/03	99.60	2,473,165	99.80	2,478,182	N/A			
2,848,000	US TREASURY BILL ZERO% JAN 29 2004	08/28/03	99.58	2,836,060	99.76	2,841,221	N/A			
2,225,000	U.S. TREASURY BILL ZERO% JAN 22 2004	08/21/03	99.58	2,215,767	99.78	2,220,171	N/A			
2,871,000	U.S. TREASURY BILL ZERO% FEB 05 2004	09/04/03	99.57	2,858,902	99.74	2,863,650	N/A			
3,076,000	U.S. TREASURY BILL ZERO% FEB 12 2004	09/11/03	99.58	3,063,236	99.72	3,067,479	N/A			
3,494,000	U.S. TREASURY BILL ZERO% FEB 19 2004	09/18/03	99.58	3,479,595	99.70	3,483,762	N/A			
1,775,000	U.S. TREASURY BILL ZERO% FEB 26 2004	09/25/03	99.58	1,767,634	99.68	1,769,479	N/A			



**Current Portfolio**

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
<b>Government Securities</b>										
2,826,000	US TREASURY BILL ZERO% MAR 04 2004	10/03/03	99.59	2,814,529	99.66	2,816,589	N/A			
2,124,000	U.S. TREASURY BILL ZERO% MAR 11 2004	10/09/03	99.59	2,115,459	99.64	2,116,523	N/A			
2,165,000	U.S. TREASURY BILL ZERO% MAR 18 2004	10/16/03	99.59	2,156,294	99.62	2,156,816	N/A			
2,115,000	U.S. TREASURY BILL ZERO% MAR 25 2004	10/23/03	99.59	2,106,495	99.60	2,106,603	N/A			
3,668,000	U.S. TREASURY BILL ZERO% APR 01 2004	10/31/03	99.58	3,652,878	99.57	3,652,411	N/A			
<b>Total Government Securities</b>				49,602,220		49,679,726				
<b>Total of Long Portfolio</b>				53,254,669		53,332,175	*		13,148	.36

\* - Excludes N/A Items

**Monthly Activity**

Date	Transaction	Quantity	Description	Price	Debit	Credit
<b>Security Transactions</b>						
10/02	Redeemed	-2,814,000	U.S. TREASURY BILL ZERO% OCT 02 2003			2,814,000.00
10/03	Purchase	2,826,000	US TREASURY BILL ZERO% MAR 04 2004 FACE VALUE 2826000.0000 CASH TRADE PRICE 99.594125	99.594	2,814,529.97	
10/09	Redeemed	-2,115,000	U.S. TREASURY BILL ZERO% OCT 09 2003			2,115,000.00
10/09	Purchase	2,124,000	U.S. TREASURY BILL ZERO% MAR 11 2004 FACE VALUE 2124000.0000 CASH TRADE PRICE 99.597888	99.597	2,115,459.16	
10/16	Redeemed	-2,157,000	U.S. TREASURY BILL			2,157,000.00



CITY OF TROY

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
101	2004	1	26	7	REPUBLIC	2003	8	29	1.200	CD	259,067		259,066.85
TOTAL													259,066.85
112	2003	11	6	9	ML	2003	7	3	.870	TBILL	2,496,000		2,488,487.04
	2003	11	7	7	FLAGSTAR	2003	9	4	1.230	CD	2,000,000		2,000,000.00
	2003	11	13	9	ML	2003	7	10	.850	TBILL	2,430,000		2,422,855.80
	2003	11	14	7	FLAGSTAR	2003	9	4	1.230	CD	1,000,000		1,000,000.00
	2003	11	20	9	ML	2003	7	17	.890	TBILL	2,484,000		2,476,349.28
	2003	11	21	7	FLAGSTAR	2003	9	10	1.230	CD	2,000,000		2,000,000.00
	2003	11	21	7	FLAGSTAR	2003	9	12	1.330	CD	1,007,918		1,007,918.04
	2003	11	26	7	REPUBLIC	2003	9	10	1.200	CD	2,000,000		2,000,000.00
	2003	12	1	7	MIDW	2003	9	29	1.350	CD	1,016,362		1,016,362.16
	2003	12	4	9	ML	2003	7	24	.930	TBILL	2,111,000		2,103,824.95
	2003	12	5	7	REPUBLIC	2003	9	10	1.200	CD	2,000,000		2,000,000.00
	2003	12	5	7	REPUBLIC	2003	9	15	1.200	CD	1,016,275		1,016,275.49
	2003	12	11	9	ML	2003	7	31	.950	TBILL	2,085,000		2,077,759.26
	2003	12	12	7	FLAGSTAR	2003	9	10	1.240	CD	2,000,000		2,000,000.00
	2003	12	18	9	ML	2003	8	20	.930	TBILL	2,949,000		2,939,881.04
	2003	12	19	7	FLAGSTAR	2003	9	10	1.240	CD	2,000,000		2,000,000.00
	2003	12	23	7	MW GTY	2003	9	10	1.410	CD	2,000,000		2,000,000.00
	2003	12	23	7	FLAGSTAR	2003	9	17	1.340	CD	2,000,000		2,000,000.00
	2003	12	23	7	FLAGSTAR	2003	10	3	1.180	CD	1,018,707		1,018,706.66
	2003	12	23	7	FLAGSTAR	2003	10	3	1.180	CD	1,017,246		1,017,245.77
	2003	12	30	8	NATL CITY	2003	6	30	1.050	FHLB	1,000,000		1,000,000.00
	2003	12	30	8	FITB	2003	6	30	5.000	FHRWI2632A	1,121,000		1,112,862.51
	2003	12	30	8	FITB	2003	6	30	5.000	FHRWI2627J	2,000,000		1,057,935.28
	2003	12	31	8	FITB	2003	4	29	5.250	FHR03 2556	2,997,656		269,171.58
	2003	12	31	8	FITB	2003	5	15	4.500	FHR02 2517	998,362		724.60
	2003	12	31	8	FITB	2003	5	19	5.000	FHLMC95237	1,031,323		925,172.57
	2003	12	31	8	FITB	2003	8	26	2.000	FHLM 2% 08	500,000		482,500.00
	2003	12	31	8	FITB	2003	8	29	4.000	FHR02 2541	3,044,205		2,231,141.23
	2003	12	31	8	FITB	2003	10	30	5.000	FNRO3 97CB	1,862,727		1,870,225.31
	2004	1	1	7	MIDW GUART	2003	10	30	1.370	CD	2,113,672		2,113,672.48
	2004	1	8	9	ML	2003	8	7	1.000	TBILL	3,568,000		3,553,042.15
	2004	1	9	7	FLAGSTAR	2003	9	17	1.340	CD	2,000,000		2,000,000.00
	2004	1	15	9	ML	2003	8	21	.990	TBILL	2,483,000		2,473,165.25
	2004	1	16	7	FLAGSTAR	2003	9	17	1.340	CD	2,000,000		2,000,000.00
	2004	1	22	9	ML	2003	8	21	.990	TBILL	2,225,000		2,215,767.49
	2004	1	23	8	FITB	2003	7	23	2.140	FHLB	1,700,000		1,700,000.00
	2004	1	23	7	FLAGSTAR	2003	9	17	1.340	CD	2,000,000		2,000,000.00
	2004	1	29	9	ML	2003	8	28	.990	TBILL	2,848,000		2,836,060.55
	2004	1	30	7	FLAGSTAR	2003	9	17	1.340	CD	2,000,000		2,000,000.00
	2004	2	5	9	ML	2003	9	4	1.000	TBILL	2,871,000		2,858,902.72
	2004	2	6	7	FLAGSTAR	2003	9	26	1.200	CD	1,016,613		1,016,613.25
	2004	2	6	7	FLAGSTAR	2003	10	3	1.200	CD	2,002,958		2,002,957.78
	2004	2	12	9	ML	2003	9	12	.990	TBILL	3,076,000		3,063,236.31

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2004	2	13	7	FLAGSTAR	2003	10	10	1.180	CD	2,034,590		2,034,589.73
	2004	2	19	9	ML	2003	9	19	.990	TBILL	3,494,000		3,479,595.99
	2004	2	20	7	REPUBLIC	2003	10	10	1.200	CD	1,031,055		1,031,055.15
	2004	2	26	9	ML	2003	9	25	.990	TBILL	1,775,000		1,767,634.74
	2004	2	27	7	FLAGSTAR	2003	10	15	1.180	CD	4,000,000		4,000,000.00
	2004	3	4	7	MW GTY	2003	9	4	1.400	CD	1,000,000		1,000,000.00
	2004	3	4	9	ML	2003	10	3	.970	TBILL	2,826,000		2,814,529.97
	2004	3	5	7	HUNT BANK	2003	10	15	1.170	CD	4,000,000		4,000,000.00
	2004	3	11	9	ML	2003	10	9	.960	TBILL	2,124,000		2,115,459.16
	2004	3	12	7	FLAGSTAR	2003	10	24	1.200	CD	2,038,734		2,038,734.27
	2004	3	15	8	FITB	2003	7	30	3.600	FHRO32640W	1,308,938		1,287,729.98
	2004	3	18	9	ML	2003	10	16	.960	TBILL	2,165,000		2,156,294.29
	2004	3	25	9	ML	2003	10	23	.960	TBILL	2,115,000		2,106,495.35
	2004	6	30	8	FITB	1998	12	4	.570	LUG	1,414,265		1,414,265.13
	2004	6	30	8	HUNT BANK	2001	11	20	.560	LUG	514,584		514,583.70
	2004	6	30	8	FITB	2003	2	27	1.250	MAX SAVER	5,079,414		5,079,413.54
	2004	6	30	8	STAND FED	2003	3	27	.750	MM	4,660,589		4,660,589.10
	2004	7	25	8	FITB	2003	7	30	5.000	FNRO379WE	1,500,000		1,294,494.15
	2005	3	1	8	FITB	2002	10	9		KENT DTAN	209,000		209,000.00
	2005	3	18	8	NATL CITY	2003	9	18	1.820	FHLM	1,000,000		1,000,000.00
	2005	6	9	8	FITB	2002	12	9	2.550	FHLM	1,000,000	6,340.00	1,000,000.00
	2005	8	26	8	NATL CITY	2003	7	31	2.050	FHLM	1,025,000		1,025,000.00
	2006	1	13	8	FITB	2003	1	15	2.625	FHLM	2,000,000	16,860.00	2,000,000.00
TOTAL												23,220.00	125,398,280.80
591	2004	1	26	7	REPUBLIC	2003	8	29	1.200	CD	136,743		136,743.09
	2004	3	25	7	NATL CITY	2003	3	27	1.200	FHLM	1,482,299		1,482,298.75
	2004	6	30	7	COMERICA	1997	7	1	.830	GOV'T POOL	1,826,306		1,826,305.87
	2004	6	30	8	HUNT BANK	2001	11	21	.560	LUG	150,039		150,039.13
	2004	6	30	8	STAND FED	2003	2	20	1.200	M MKT	2,663,179		2,663,179.11
	2005	11	25	8	FITB	2002	12	5	2.000	FHLM	1,000,000	3,750.00	1,000,000.00
TOTAL												3,750.00	7,258,565.95
688	2004	6	30	7	BANK ONE	1997	7	1	.700	GOV'T POOL	1,294,561		1,294,561.89
	2004	6	30	8	STAND FED	2003	3	5	1.200	MM	2,204,666		2,204,665.73
TOTAL													3,499,227.62
701	2003	11	24	7	MIDW GUAR	2003	8	25	1.400	CD	527,008		527,007.55
TOTAL													527,007.55
TOTAL												26,970.00	136,942,148.77

\* \* \* END OF REPORT \* \* \*

7 = CD 8 = Paper 9 = T-Bills

November 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Doug Smith, Real Estate and Development Director  
 Steve Vandette, City Engineer  
 Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (November 24, 2003) - STREET VACATION APPLICATION (SV-184) – Crestfield Avenue and Tallman (FKA Taylor) Street, within proposed Crestwood Site Condominium, North Side of Wattles, East of Livernois, Section 15.

### **RECOMMENDATION**

On October 14, 2003 the Planning Commission recommended that the street vacation request be approved as submitted, subject to the following:

1. Retention of all necessary easements as required by the City of Troy.
2. Dedication of Wattles and Hanover ultimate right-of-way.
3. Dedication of future right-of-way for the proposed Crestwood Site Condominium.

City Management concurs with the Planning Commission approval recommendation.

### **GENERAL INFORMATION**

Name of applicant(s):

Murray Deagle of RWT Building, LLC.

Location of property owned by applicant(s):

The property is located on the north side of Wattles, east of Livernois, in section 15.

History of Right of Way:

Both streets are located within the Crestfield Subdivision, which was platted in 1924. Neither section of the street has ever been constructed.

The applicant intends to develop Crestwood Site Condominium, a 23-unit site condominium, over a portion of the existing plat. The existing right-of-way does not meet the City standard for right-of-way width, and is in an unsuitable location for future development. Crestwood received Preliminary Condominium Approval from City

Council on February 3, 2003. The applicant must vacate the platted right-of-way prior to Final Condominium Approval.

Length and width of right-of-way:

The Crestfield Avenue right-of-way abuts lots 31-64 and 65-98 and is approximately 1374 feet long and 50 feet wide. The Tallman Street right-of-way abuts lots 64-65 and 192 and is approximately 353 feet long and 33 feet wide.

**ANALYSIS**

Reason for street vacation (as stated on the Street/Alley Vacation Application):

The application states the following: "Consolidation of property for development".

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Residential.

Need for future easements and dedications:

The City requires a 20-foot wide easement for the existing water main, as shown on the Preliminary Site Plan, which received Preliminary Site Plan Approval by City Council on February 3, 2003.

The City also requires right-of-way for the future road and public walkway, as shown on the Preliminary Site Plan, which received Preliminary Site Plan Approval by City Council on February 3, 2003.

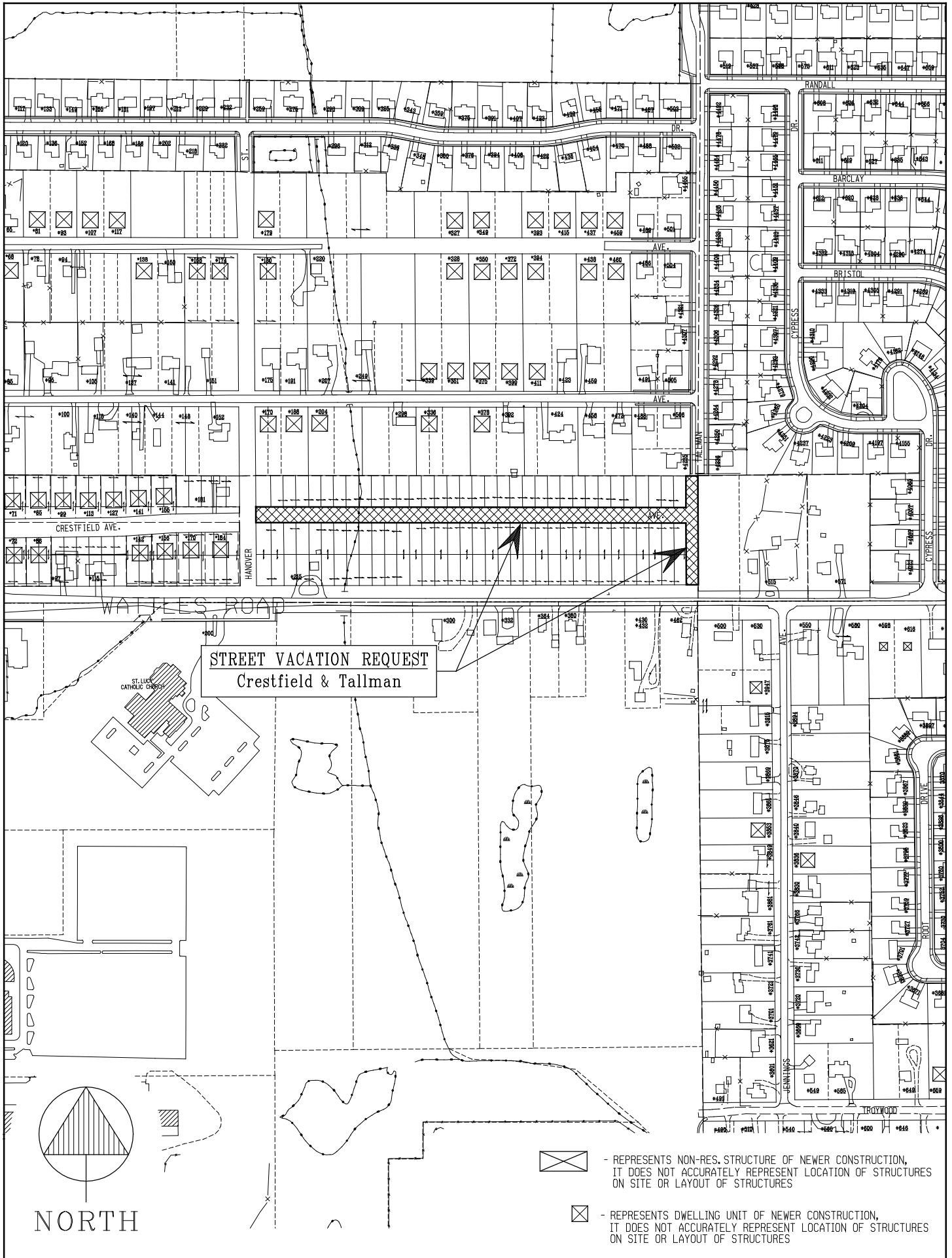
cc: Applicant  
File/ SV 184

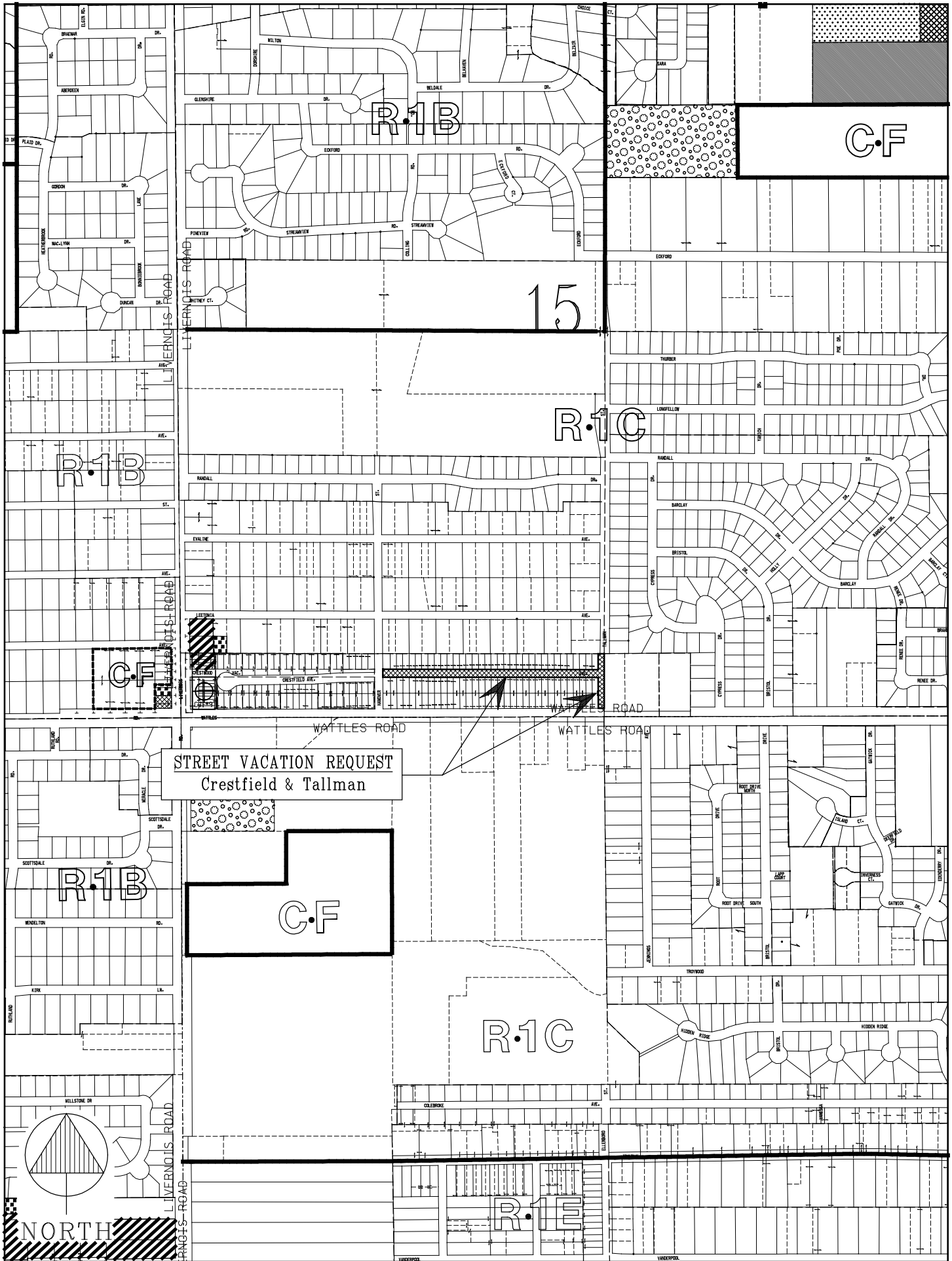
G:\STREET VACATION\SV 184 CRESTFIELD & TALLMAN SEC 15\Crestfield Vacation CC 11-10-03.doc



# CITY OF TROY





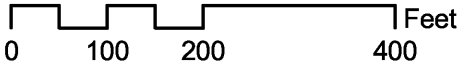






STREET VACATION REQUEST  
CRESTFIELD & TALLMAN  
PROPOSED CRESTWOOD SITE CONDO.  
N OF WATTLES, E OF LIVERNOIS  
SEC. 15 (SV-184)

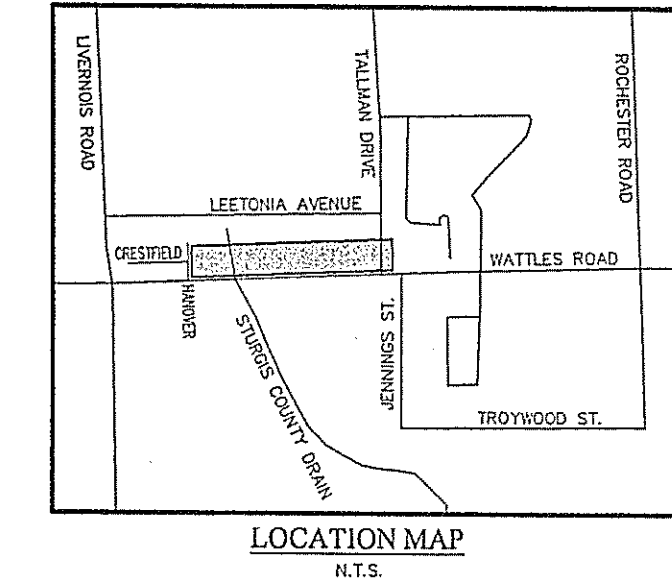
STREET VACATION REQUEST  
CRESTFIELD & TALLMAN





# LEGAL DESCRIPTION

A Parcel of land described as lots 31-93 inclusive, 97-98 inclusive, 159-160 inclusive, and lots 164-192 inclusive, Also the West 35 feet of lot 161, Also lot 94 excepting the South 41.60 feet of lot 94, Also lot 95 excepting the South 41.6 feet of lot 95, and lot 96 excepting the East 5 feet of the South 41.60 feet of lot 96, of Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., Also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North 53.00 feet to the Point of Beginning, said point also being the S.W. corner of Lot 159 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due North 353.14 feet along the West line of Lots 159, 98, and 31 and the east line of Hanover street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of "Crestfield Subdivision" and the South line of "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'04" E, 131.62 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°31'09" W, 373.20 feet to a point on the North Right-of-Way line of Wattles Road (width varies); thence N 89°38'04" W, along the North line of said Wattles Road 132.00 feet to a point on the North and South 1/4 line of said Section 15; thence N 00°34'40" E, 20.00 feet along said Section line to a point; thence N 89°38'00" W, 1197.55 feet along said Right-of-Way line of Wattles Road to a point, said point being the S.E. corner of lot 163 of said Crestfield Subdivision; thence Due North 142.63 feet to a point on the West line of said lot 93 of said Crestfield Subdivision; thence N 89°38'00" W, 85.00 feet to a point; thence Due South 142.63 feet to a point, said point being on the North line of Wattles Road (width varies); thence N 89°38'00" W, 125 feet along the North Right-of-Way line of Wattles Road to the Point of Beginning. Contains 12.277 acres or 534,787.12 SF and subject to easements & restrictions of record.



LEGEND	
MANHOLE	EXISTING SANITARY SEWER
HYDRANT	SAN. CLEAN OUT
GATE VALVE	EXISTING WATER MAIN
MANHOLE CATCH BASIN	EXISTING STORM SEWER
6" G	EX. R. Y. CATCH BASIN
E	EXISTING GAS MAIN
UTILITY POLE	EXISTING UNDERGROUND ELECTRIC
EXISTING OVERHEAD LINES	EXISTING UNDERGROUND TELEPHONE
LIGHT POLE	SIGN
PR. SANITARY SEWER	PR. WATER MAIN
PR. STORM SEWER	PR. R. Y. CATCH BASIN
SAND BACKFILL (95% DENSITY)	

## TOPO NOTES

-All elevations are existing elevations.

-Utility locations were obtained from municipal officials and records of utility companies, and no guarantee can be made to the completeness, or exactness of location.

-This survey may not show all easements of record unless an updated title policy has been furnished to the surveyor by the owner.

-All bearings are in relation to the bearing for the South line of Section 15, T.2N., R.11E., per the plat for Crestfield Subdivision.

## FLOODPLAIN LEGEND

APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN AS INDICATED ON FIRM MAP FOR THE CITY OF TROY, PANEL 4 OF 6, COMMUNITY PANEL NUMBER 260180-0004 E

NOTE: THE FLOODPLAIN HAS BEEN UPDATED PER AN ANALYSIS BY HUBBELL, ROTH & CLARK, INC. SEE FLOODPLAIN MITIGATION PLAN THAT WAS SUBMITTED BY NOWAK & FRAUS, PLLC FOR THE UPDATED FLOODPLAIN, AND THE FILLS AND COMPENSATING CUTS IN THE FLOODPLAIN.

# NOWAK & FRAUS

Consulting Engineers  
Land Surveyors  
Land Planners

46777 Woodward Avenue  
Pontiac, Michigan 48342

Tel. (248) 332-7931  
Fax. (248) 332-8257

PROJECT  
Crestwood Site  
Condominium

CLIENT  
RWT BLDG, LLC.  
2065 Livernois Road  
Troy, MI

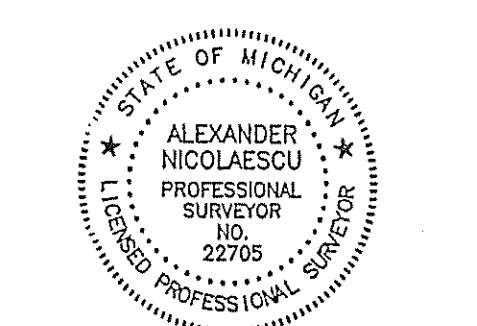
REC'D

AUG 29 2003

Murray Deagle  
248-273-6000

PROJECT LOCATION  
Part of the Crestfield  
Subdivision in the SW 1/4  
of section 15  
T.2 North, R.11 East  
City of Troy,  
Oakland County, Michigan

SEAL



DATE REVISION

04-28-03 Revised per Client  
03-24-03 Revised per City of Troy  
11-13-02 Issued for Agency Approval

SHEET  
TOPOGRAPHIC &  
BOUNDARY SURVEY  
AND DEMOLITION  
PLAN

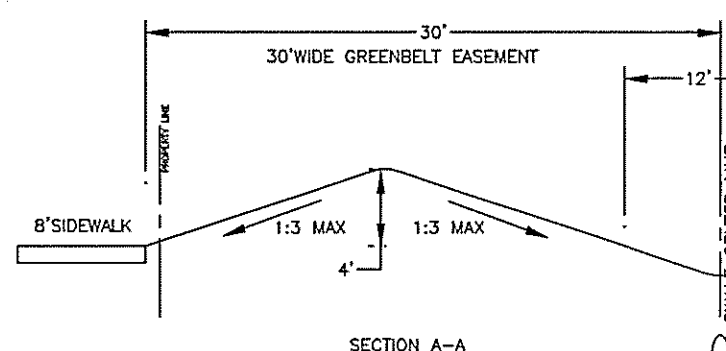
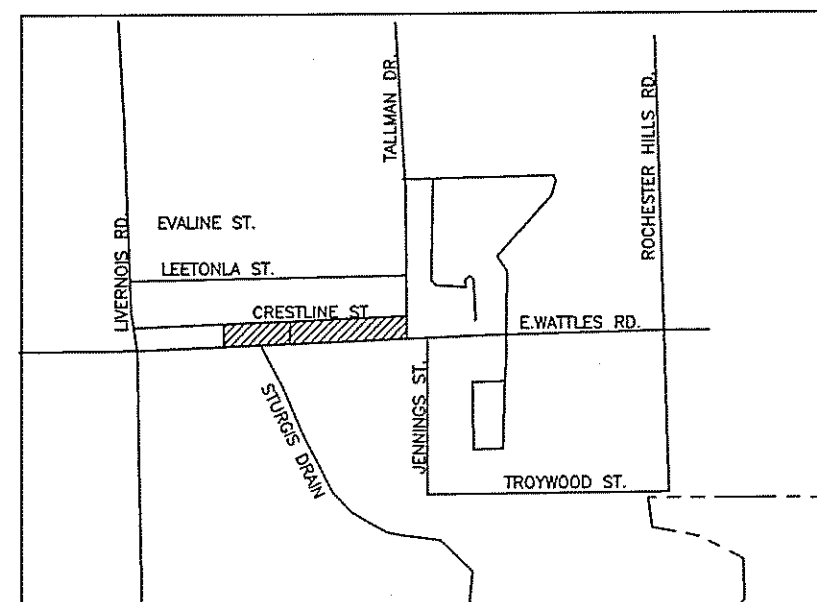
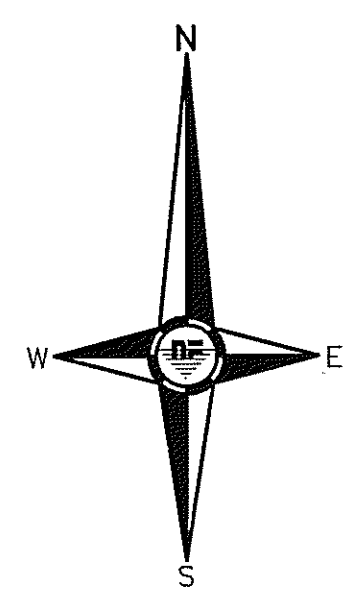
DRAWN BY:  
REL  
DESIGNED BY:  
REL  
APPROVED BY:  
JJH  
DATE  
11-13-02  
SCALE:  
1"=80'  
N/F JC B NO.

9-C311

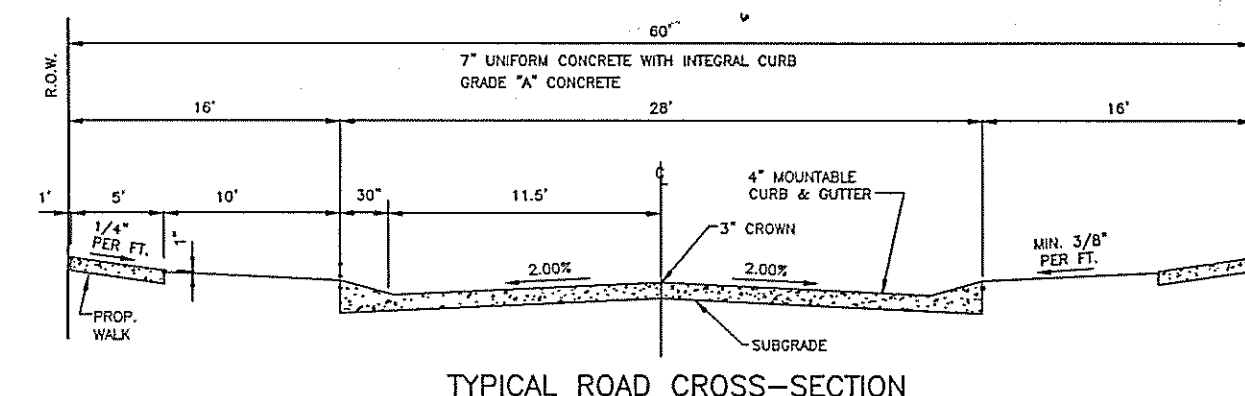
SHEET NO. C-1







FLOODPLAIN LEGEND:  
UPDATED 100 YEAR FLOOD LIMITS AS DETERMINED BY HUBBELL, ROTH & CLARK, INC. (CURRENTLY UNDER REVIEW)  
APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN AS GRAPHICALLY DEPICTED FROM FIRM #24833 DOWNE, DATED 9-16-88



PAVING LEGEND:  
7" CONCRETE (ON SITE)  
6" CONCRETE (APPROACH ONTO WATLES ROAD)  
6" DEEP STRENGTH BITUMINOUS  
4" THICK CONCRETE SIDEWALK

# PROPOSED "CRESTWOOD SITE CONDOMINIUMS" PART OF THE S.W. 1/4 OF SECTION 15, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

**NOWAK & FRAUS**

Consulting Engineers  
Land Surveyors  
Land Planners

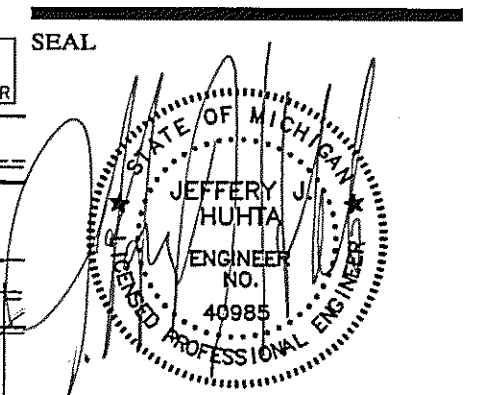
46777 Woodward Avenue  
Pontiac, Michigan 48342  
Tel. (248) 332-7931  
Fax. (248) 332-8257

PROJECT  
Crestwood Site  
Condominiums

CLIENT  
RWT BLDG, LLC.  
2065 Livernois  
Troy, MI

Murray Deagle  
248-273-6000

PROJECT LOCATION  
Part of the Crestfield  
Subdivision in the SW 1/4  
of section 15  
T.2 North, R.11 East  
City of Troy,  
Oakland County, Michigan



DATE/REVISION

PRELIMINARY  
SITE PLAN APPROVED  
BY PLANNING COMMISSION  
ON 1-19-03  
PLANNING DEPARTMENT

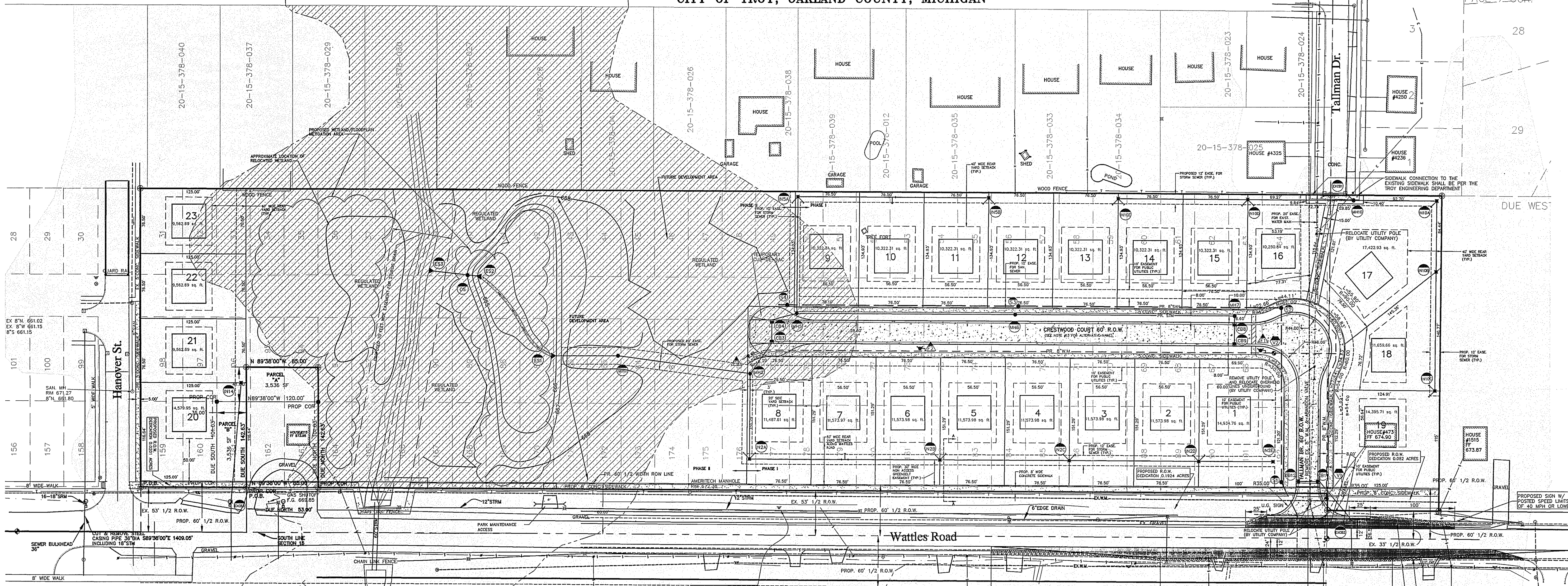
PRELIMINARY SITE PLAN APPROVED  
BY CITY COUNCIL  
ON 2-3-03  
PLANNING DEPARTMENT

LEGEND  
MANHOLE  
HYDRANT  
MANHOLE  
UTILITY POLE  
GUY POLE  
MANHOLE  
HYDRANT  
MANHOLE  
GUY POLE  
EXISTING SANITARY SEWER  
SAN. CLEAN OUT  
EXISTING WATER MAIN  
EXISTING STORM SEWER  
EX. R. Y. CATCH BASIN  
EXISTING BURIED CABLES  
OVERHEAD LINES  
LIGHT POLE  
SIGN  
EXISTING GAS MAIN  
PR. SANITARY SEWER  
PR. WATER MAIN  
PR. STORM SEWER  
PR. R. Y. CATCH BASIN  
SAND BACKFILL (95% DENSITY)

SHEET  
PRELIMINARY  
SITE PLAN

DRAWN BY:  
W.H.  
DESIGNED BY:  
W.H.  
APPROVED BY:  
J.H.  
DATE:  
4-11-2002  
SCALE:  
1"=60'  
N/F JOB NO.

9-C311  
SP-3



## LEGAL DESCRIPTION

A Parcel of land described as lots 31-98 inclusive, 159-160 inclusive, and lots 164-192 inclusive, of Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., All part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North 53.00 feet to the Point of Beginning, said point also being the S.W. corner of Lot 159 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due North 353.14 feet along the West line of Lots 159, 98, and 31 and the east line of Hanover street 150 feet wide to a point on the South line of "McCormick & Lawrence Little Farm Subdivision" as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Section 15; thence S 89°38'10" E, 1411.12 feet along the North line of "Crestfield Subdivision" and the South line of "McCormick & Lawrence Little Farm Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'04" E, 131.62 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°31'09" W, 373.20 feet to a point on the North Right-of-Way line of Watles Road (width varies); thence N 89°38'04" W, along the North line of said Watles Road 132.00 feet to a point on the North and South 1/4 line of said Section 15; thence N 00°34'40" E, 20.00 feet along said Section line to a point; thence N 89°38'00" E, 1197.55 feet along said Right-of-Way line of Watles Road to a point, said point being the S.E. corner of lot 163 of said Crestfield Subdivision; thence Due North 101.03 feet to the N.E. corner of said lot 163; thence N 89°38'00" W, 120.00 feet to a point said point being the N.W. corner of lot 161 of said Crestfield Subdivision; thence Due South 101.03 feet to a point, said point being the S.W. corner of said lot 161; thence N 89°38'00" W, 90.00 feet along the North Right-of-Way line of Watles Road to the Point of Beginning. Contains 12.277 acres or 534,787.51 SF and subject to easements & restrictions of record.

Property to be Acquired: (Parcel "A") The South 41.60 feet of lot 94, the South 41.60 feet of lot 95, and the East 5 feet of the South 41.60 feet of lot 96 of "Crestfield subdivision" as recorded in Liber 34, page 38 of the Oakland County Records all being part of the S.W. 1/4 of section 15, T.2N., R.11E. City of Troy, Oakland County, Michigan. Contains 3,536 Square feet & subject to easement and restrictions of records.

Property to be Released: (Parcel "B") The West 35 feet of lot 161 of "Crestfield subdivision" as recorded in Liber 34, page 38 of the Oakland County Records, being part of the S.W. 1/4 of section 15, T.2N., R.11E. City of Troy, Oakland County, Michigan. Contains 3,536 square feet & subject to easements and restriction of record.

Property to be Consolidated: A Parcel of land described as lots 162 & 163 inclusive, Also the Easterly 5 feet of lot 161, Also the South 41.60 feet of lot 94 and 95 and the East 5 feet of the South 41.60 feet of lot 96 of "Crestfield Subdivision" as recorded in Liber 34, page 38 of the Oakland County records, All being part of the S.W. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as: Beginning at a point distant S 89°38'00" E, 1409.95 feet along the South Line of said Section 15; and Due North 53.00 feet to a point on the North Right-of-Way line of Watles Road (53.00 feet 1/2 width), from the S.W. Corner of section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan; thence Due North 142.63 feet; thence S 89°38'00" E, 85.00 feet to a point on the East lot line of lot 93 of said "Crestfield Subdivision" as recorded in Liber 34, Page 38, Oakland County Records; thence Due South 142.63 feet to a point on the North Right-of-Way line of said Watles Road, said point being the S.E. corner of lot 163 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet along said Right-of-Way line of Watles Road to the Point of Beginning. Contains 0.2783 acres or 12123.63 SF and subject to easements & restrictions of record.

UNIT #	UNIT WIDTH (FT.)	UNIT DEPTH (FT.)	UNIT AREA (SQ. FT.)	UNIT ACRES	% REDUCTION
1	78.5	151.29	11,973.98	0.27	
2	78.5	151.29	11,973.98	0.27	
3	78.5	151.29	11,973.98	0.27	
4	78.5	151.29	11,973.98	0.27	
5	78.5	151.29	11,973.98	0.27	
6	78.5	151.29	11,973.98	0.27	
7	78.5	151.29	11,973.98	0.27	
8	78.5	151.29	11,973.98	0.27	
9	78.5	151.29	11,973.98	0.27	
10	78.5	151.29	11,973.98	0.27	
11	78.5	151.29	11,973.98	0.27	
12	78.5	151.29	11,973.98	0.27	
13	78.5	151.29	11,973.98	0.27	
14	78.5	151.29	11,973.98	0.27	
15	78.5	151.29	11,973.98	0.27	
16	78.5	151.29	11,973.98	0.27	
17	78.5	151.29	11,973.98	0.27	
18	78.5	151.29	11,973.98	0.27	
19	78.5	151.29	11,973.98	0.27	
20	78.5	151.29	11,973.98	0.27	
21	78.5	151.29	11,973.98	0.27	
22	78.5	151.29	11,973.98	0.27	
23	78.5	151.29	11,973.98	0.27	
TOTAL	285.18	151.29	11,973.98	0.27	

DETENTION / RETENTION BASIN CALCULATION PER (OCDC 10-year)  
Agency: CITY OF TROY  
Location: WATLES ROAD  
Required Storage Volume for Detention Pond  
DRAINAGE AREA (A) = 5.9 acres  
C (unflooded) = 0.2 cfs/acre  
Qa = 0.2x15.9 = 3.18 cfs  
Qa = Qa(10 X A) = 0.29  
STORAGE TIME (T)  
T = 25+SQRT(6662.8Qa) = 77.47 min.  
MAXIMUM STORAGE VOLUME PER ACRE (VS)  
VS = ((10,500 TX(T + 25)) / 40 Qa T  
VS = 6001.52 cu ft./acre  
TOTAL STORAGE VOLUME REQUIRED (VT)  
VT = (VS)(A) = 11,330.88 cu.ft.  
STORAGE VOLUME PROVIDED:  
VOLUME = 1/2(AB+AT+SQRT(AB\*AT))  
Basin area = 115.25 sq. ft.  
Area (AT) = 12,977.94 sq. ft.  
Area (AB) = 12,977.94 sq. ft.  
Volume = 14,440 cu. ft.  
Required = 11,331 cu. ft. c.f. OK  
RESTRICTOR DESIGN:  
Q = C(d^2gh)^0.5  
Qa = 1.180 cfs  
Q = (0.62)(8.14)^0.5 d^2 g^0.5 (2gh)^0.5  
7 inches  
8 inches dia. restrictor  
\* AREAS AT & AB WERE COMPUTER GENERATED

PRELIMINARY NOTES:  
1. THIS CONDOMINIUM IS FOR SINGLE FAMILY RESIDENTIAL USE.  
2. ALL LOTS MEET THE MINIMUM AREA REQUIREMENT OF 9,450 S.F. AND MINIMUM FRONTAGE AT THE BUILDING LINE OF 76.50 FEET IN ACCORDANCE WITH THE CITY OF TROY ZONING ORDINANCE. THE LOT AVERAGING CONCEPT HAS BEEN USED. THE AVERAGE LOT SIZE EXCEEDS 10,500 S.F.  
3. THE MINIMUM FRONT YARD SETBACK IS 30 FEET, WITH SIDE YARD SETBACKS TOTALING 20 FEET MINIMUM. A 12 FOOT WIDE EASEMENT LIES ACROSS THE REAR YARD PROBABLY OF EACH LOT, WHICH IS 40 FEET, UNLESS OTHERWISE NOTED.  
4. LAYOUT AND DIMENSIONS ARE TENTATIVE AND SUBJECT TO MODIFICATION UPON CALCULATION OF THE EXHIBIT "B" DRAWING.  
5. ALL LOTS SHALL BE SERVED WITH PUBLIC SANITARY SEWERS AND WATER MAINS. ALL INTERIOR STREETS WILL BE CONCRETE PAVEMENT WITH CURB & GUTTED. STORM DRAINAGE WILL BE ENCLOSED THROUGHOUT THE CONDOMINIUM.  
6. STREET SIGNS SHALL BE INSTALLED BY THE CITY OF TROY.  
7. THE DEVELOPER SHALL COMPLY WITH ALL APPLICABLE CODE AND ORDINANCES OF THE CITY OF TROY, OAKLAND COUNTY AND THE STATE OF MICHIGAN.  
8. NO DIRECT VEHICULAR INGRESS OR EGRESS SHALL BE ALLOWED FROM WATLES ROAD TO ANY LOTS.  
9. SIDEWALK SHALL BE INSTALLED ALONG WATLES ROAD AS WELL AS THROUGHOUT THE CONDOMINIUM.  
10. UTILITY EASEMENTS SHALL BE PROVIDED TO THE SATISFACTION OF THE CITY OF TROY ENGINEERING DEPARTMENT.  
11. AT THE TIME OF DEVELOPMENT TREES ON SITE WILL ONLY BE REMOVED IN THOSE AREAS NECESSARY FOR THE INSTALLATION OF UTILITIES AND WITHIN BUILDING ENVELOPES.  
12. ENTIRE SITE IS LOCATED WITHIN A 100 YEAR FLOOD PLAIN ZONE A2 INDICATED ON FIRM MAP FOR THE CITY OF TROY PANEL 4 OF 6 COMMUNITY-PANEL NUMBER 260180-0004 E.  
13. THE ALTERNATE NAME FOR CRESTWOOD COURT IS DEAGLE COURT.  
14. ALL TURNING RADI AND DECELERATION LANE DIMENSIONS SHALL COMPLY WITH THE CITY OF TROY REQUIREMENTS.  
15. THE OWNER OF THE PROPERTY HAS COMMISSIONED A FLOOD PLAIN STUDY BY THE CITY OF TROY OF THE PROJECT AREA. BASED ON UPSTREAM IMPROVEMENTS IN THE STURGIS DRAINAGE DISTRICT, IT IS PROPOSED THAT THE 100 YEAR FLOOD PLAIN ELEVATION BE REDUCED AS A PART OF THE DESIGN DEVELOPMENT PHASE OF THE PROJECT. IT IS UNDERSTOOD BY THE DEVELOPER THAT HOUSES ON LOTS IN FLOOD PLAIN CANNOT HAVE BASEMENTS.



6. PUBLIC HEARING – STREET VACATION REQUEST (SV-184) – Crestfield Avenue between Hanover and Tallman, and Tallman Drive, abutting Lots 64, 65 and 192 of Crestfield Subdivision, North of Wattles, East of Livernois, Section 15 – R-1C

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request with the conditions of the retention of all necessary easements as required by the City of Troy, the dedication of the necessary right-of-way for Wattles and Hanover, and the dedication of future right-of-way for the Crestwood Site Condominium.

Mr. Miller reported that the developer has expressed an interest in changing the layout of the development that may require the plan to go through the approval process again. Mr. Miller suggested the Commission could go forward with the street vacation recommendation contingent that it is necessary to vacate a road prior to any development.

Mr. Storrs asked if the Planning Department is concerned about easements associated with new development.

Mr. Miller explained that the vacation takes place after the City conducts a research on the necessary easements and City Council approves an authorizing resolution.

The petitioner, Michael Lamb of RWT Building, 2065 Livernois, Troy, was present. Mr. Lamb stated that he owns the entire property abutting the proposed vacation. He said easements for the existing public utilities would be reserved and relocated, if necessary, within the development. Mr. Lamb said that the Hanover right-of-way has been dedicated, and noted that the ultimate right-of-way of Livernois has been designated in the plans.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2003-10-032**

Moved by: Wright

Seconded by: Vleck

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Crestfield Avenue, between Hanover and Tallman, and Tallman Drive, abutting Lots 64, 65, and 192 of

Crestfield Subdivision, North of Wattles, East of Livernois, in Section 15, being zoned R-1C, be approved, subject to the following conditions:

1. Retention of all necessary easements as required by the City of Troy.
2. Dedication of Wattles and Hanover ultimate right-of-way.
3. Dedication of future right-of-way for the proposed Crestwood Site Condominium.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**



November 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (November 24, 2003) - PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW – PUD-003 STERLING CORPORATE CENTER – North side of Big Beaver Road, west of I-75 and east of Wilshire Drive, section 21.

### **RECOMMENDATION**

Significant progress evolved in the development of the Sterling Corporate PUD application since it was first submitted on December 4, 2002. The applicant has made recent efforts to strengthen the PUD application by proposing additional pedestrian improvements along Big Beaver Road, including financial contributions for an Urban Design Study. When completed, these improvements will strengthen the walkability and urban character of Big Beaver Road.

Furthermore, it is anticipated that these improvements will serve as an example of high-end pedestrian improvements and amenities that will act as a catalyst for future pedestrian improvements in both the public and private realm along the Big Beaver Corridor.

The Planning Commission recommended Preliminary Approval of the Sterling Corporate Center Planned Unit Development at the October 14, 2003 Planning Commission meeting (see attached minutes). The City's Planning Consultant and City Management concur with this recommendation.

### **GENERAL INFORMATION**

Name of Owner / Applicant:  
Burton-Katzman and Sterling Bank.

Size of Subject Parcel:  
The parcel is approximately 5.91 acres in size.

Proposed Use(s) of Subject Parcel:  
The applicant is proposing a 13-story office building with approximately 300,869 gross square feet of office space. In addition, the applicant is proposing two restaurants and

a bank on the ground floor of the building, with an attached parking garage with approximately 1,100 spaces. The applicant is also proposing a two-story, 9,800 square foot restaurant to be attached to the west side of the parking structure.

Current Use of Subject Property:

The property is presently vacant.

Current Use of Adjacent Parcels:

North: Magna International (office/research).

South: Top of Troy Building (office/restaurant).

East: Interstate Highway I-75.

West: City Centre Building (office).

Current Zoning Classification:

The parcel is currently zoned O-S-C High Rise Office.

Zoning Classification of Adjacent Parcels:

North: R-C Research Center.

South: O-S-C High Rise Office.

East: C-F Community Facilities (I-75 is not zoned).

West: O-S-C High Rise Office.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as High Rise Office.

Stormwater Detention:

The applicant is proposing to detain storm water underground within storm drain pipes.

Natural Features and Floodplains:

The Natural Features Map indicates that there are no significant natural features located on the property.

Compatibility with Adjacent Land Uses:

The office building and accessory uses are compatible with adjacent uses along the Big Beaver Corridor, which in this area is characterized by office and accessory uses.

Compliance with Standards for Approval of Planned Unit Developments (Section 35.70.00)

***In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:***

***The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:***

The Planning Department is pleased with recent additions made to the PUD application. The addition of the restaurant on the west side of the parking structure helps to break up the bulk of the parking structure on the west side of the building. In addition the restaurant provides a sense of enclosure on Wilshire Boulevard and strengthens the relationship of the structure with the street. When combined with the boulevard landscaping and the landscaping and sidewalk improvements along the east side of the street, a distinct sense of place will be created for Wilshire Boulevard.

The applicant is proposing to strengthen the pedestrian character of the Big Beaver Corridor by adding design elements such as brick pavers, street lighting, benches and street trees between the gateway treatment and the northwest corner of Wilshire Boulevard and Big Beaver Road. These improvements will complement the plaza/fountain area in front of the proposed building. More importantly, they are intended to serve as an example of high-end pedestrian improvements and amenities that will act as a catalyst for future pedestrian improvements on the Big Beaver Corridor.

***The proposed Planned Unit Development shall be consistent with the intent of the Master Land Use Plan:***

The application is consistent with the intent of the Future Land Use Plan, which classifies this parcel as High Rise Office.

***The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:***

**The bulk, placement, and materials of construction of the proposed structures and other site improvements:**

The applicant has presented color rendered drawings of all sides of the office building, parking structure and restaurant. The office building design and location are appropriate for the location of the parcel. The footprint of the buildings and parking structure covers approximately 40% of the site. The bulk of the parking structure as it relates to the office building is significant; however, the elevations of the parking structure have been improved and are now more aesthetically pleasing. In addition, the restaurant attached to the parking structure helps to reduce this bulk. Approximately 26.29% of the property (excluding greenbelts) is open space.

***The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:***

The applicant proposes 2 two-way entry drives off of Wilshire Road. A two-way drive will circulate around north and east sides of the parking structure. A drop-off area for valet parking is proposed for the east side of Wilshire Boulevard, in front of the restaurant. One drive will circulate around the east, south and west sides of the proposed office tower. There are 49 off-street parking spaces proposed for the front of the office building, the remainder will be inside the parking structure.

An additional service drive north of the restaurant will accommodate deliveries and garbage trucks. It appears that a valet drop-off area could be added to this area. Vehicular circulation will generally be screened by plant materials and the landscaped berm along the perimeter of the development.

At the request of the Planning Commission, the landscaped berms along both Wilshire and Big Beaver have been reduced in height from 36 inches to 24 inches. The finish floor elevation of the office building has been increased by one foot. This has had the effect of sinking the off-street parking area on the south side of the building.

***The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:***

The truck dock and compactor area are to be located on the east side of the proposed office building. The restaurant dumpsters will be located in a dumpster enclosure next to the parking structure.

***The hours of operation of the proposed uses:***

The hours of operation for the office, bank and restaurants will be consistent with other uses in the area.

***The location, amount, type and intensity of landscaping, and other site amenities:***

The parking structure will be screened from the north by an 8-foot high landscaped berm. Trees will be planted along the eastern and western sides of the parking structure to soften its visual impact. Trees will be planted within the MDOT right-of-way to soften the appearance of the parking structure from I-75 and the I-75 exit ramp. The second level of the parking structure will have a landscaped area near the entrance to the office building.

Some landscaping will be provided along the front of the building, as well as within a 20-foot wide landscaped greenbelt along Big Beaver Road and Wilshire Road. The Wilshire Road median will be planted with trees to further soften the appearance of the parking structure from the west. A 24" high berm along the non-plaza frontage between Big Beaver and the main entry drive will be located within this greenbelt area. The southeast corner of the development will be provided with a landscaped gateway entrance treatment for vehicles entering the city from the I-75 exit ramp. A landscaped public space will be connected to the sidewalk along Big Beaver. The site plan indicates that there will be a water feature with an "eagle sculpture" and water sprayers. A conceptual rendered drawing of this proposed improvement has been provided, although a specific design has not been completed at this time.

***The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04):***

The applicant is proposing to install a right turn lane at Wilshire Drive on westbound Big Beaver and a second left turn lane to the west of Wilshire Drive. The City Traffic Engineer agrees with these proposed improvements to Big Beaver.

Wilshire Boulevard has been redesigned to accommodate vehicular stacking and turnaround movements for traffic entering and exiting the Sterling Corporate Center. These modifications were requested by the City Traffic Engineer, and will eliminate left hand turns for traffic exiting the development.

***The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05):***

Tetra Tech prepared an Office Development Traffic Impact Study for the proposed development in June 2001. The report lists a number of recommendations to help mitigate the impacts from traffic generated by the proposed project. The applicant has agreed to implement all recommended improvements, including additional turning lanes on Big Beaver Road.

***The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and***

***along the perimeter of the site, without undue interference from vehicular traffic:***

The applicant has provided a sidewalk on the north side of Big Beaver Road. This sidewalk will be connected to the front of the building and the west entrance to the parking structure. In addition, a sidewalk is proposed along the east side of Wilshire Drive, west of the building and structure. This sidewalk system ties into the sidewalk improvements proposed for both Big Beaver and Wilshire.

The applicant has proposed to provide financial assistance to the City, in an amount agreed upon with the Planning Department and Planning Consultant, so that the City may undertake a Big Beaver Road Corridor Urban Design Study.

***The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances:***

The application is in compliance with all local, state and federal laws and regulations.

cc: Applicant  
Richard Carlisle, Carlisle/Wortman Associates  
File/PUD-003

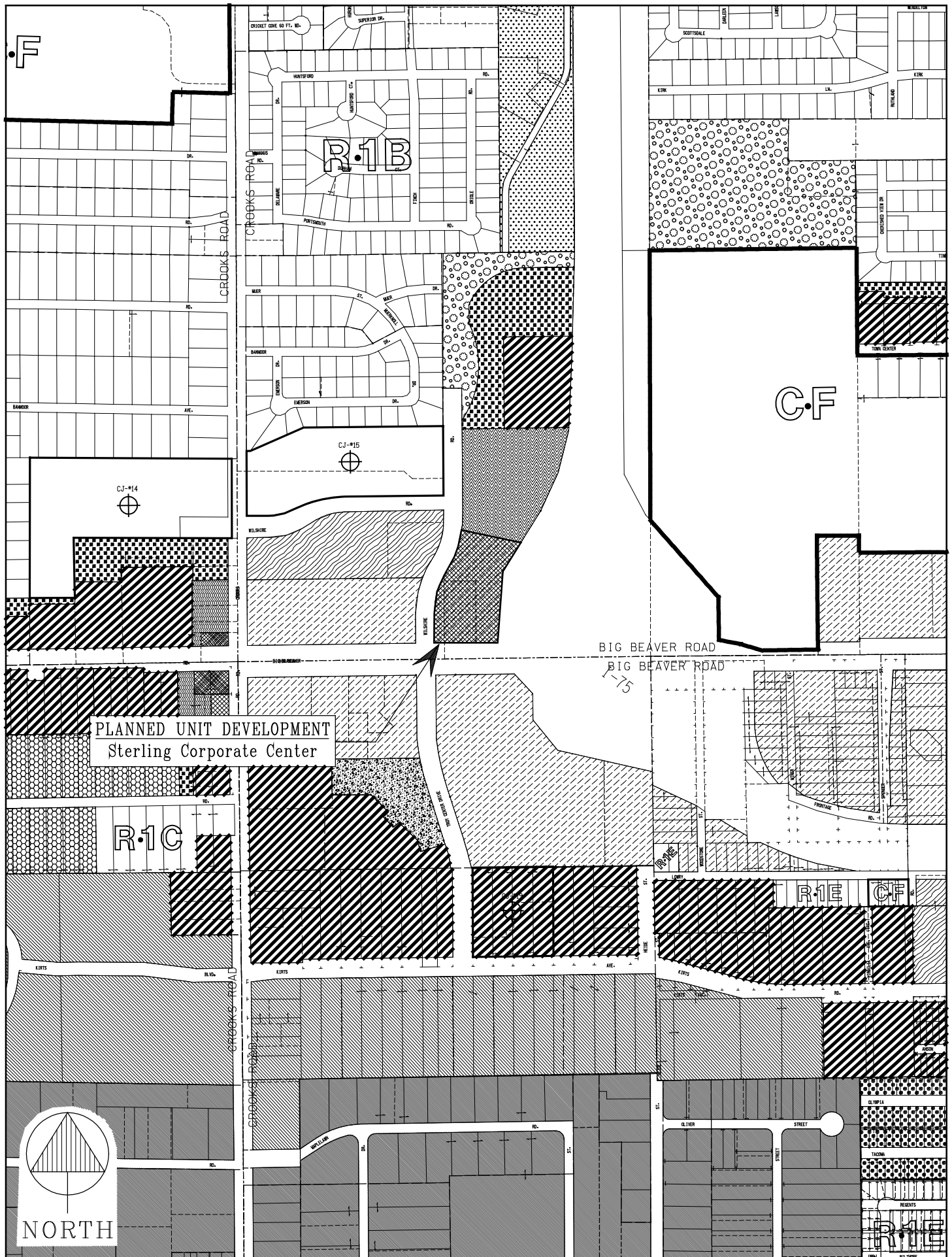
G:\PUDs\PUD-003 Sterling Corporate Center PUD\Sterling PUD\_CC Announcement of PH 11-10-03.doc

# CITY OF TROY











PLANNED UNIT DEVELOPMENT  
STERLING CORPORATE CENTER  
N SIDE OF BIG BEAVER, W OF I-75  
SEC. 21 O-S-C (PUD-3)

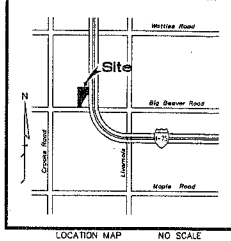


PROPOSED PLANNED UNIT DEVELOPMENT  
STERLING CORPORATE CENTER

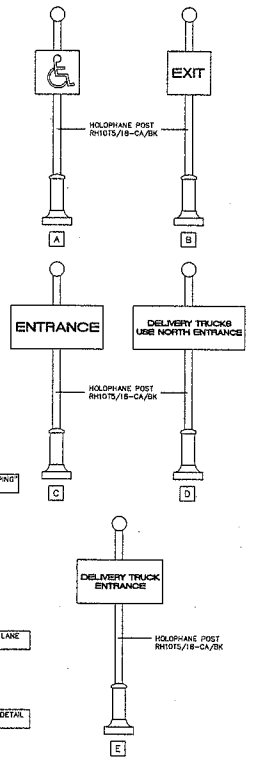
0 100 200 400 Feet



SIGN LEGEND:	
A	HANDICAP PARKING SIGN
B	"EXIT" SIGN
C	"ENTRANCE" SIGN
D	"DELIVERY TRUCKS USE NORTH ENTRANCE" SIGN
E	"DELIVERY TRUCK ENTRANCE" SIGN



LOCATION MAP NO SCALE



PROPOSED SIGNAGE DETAILS

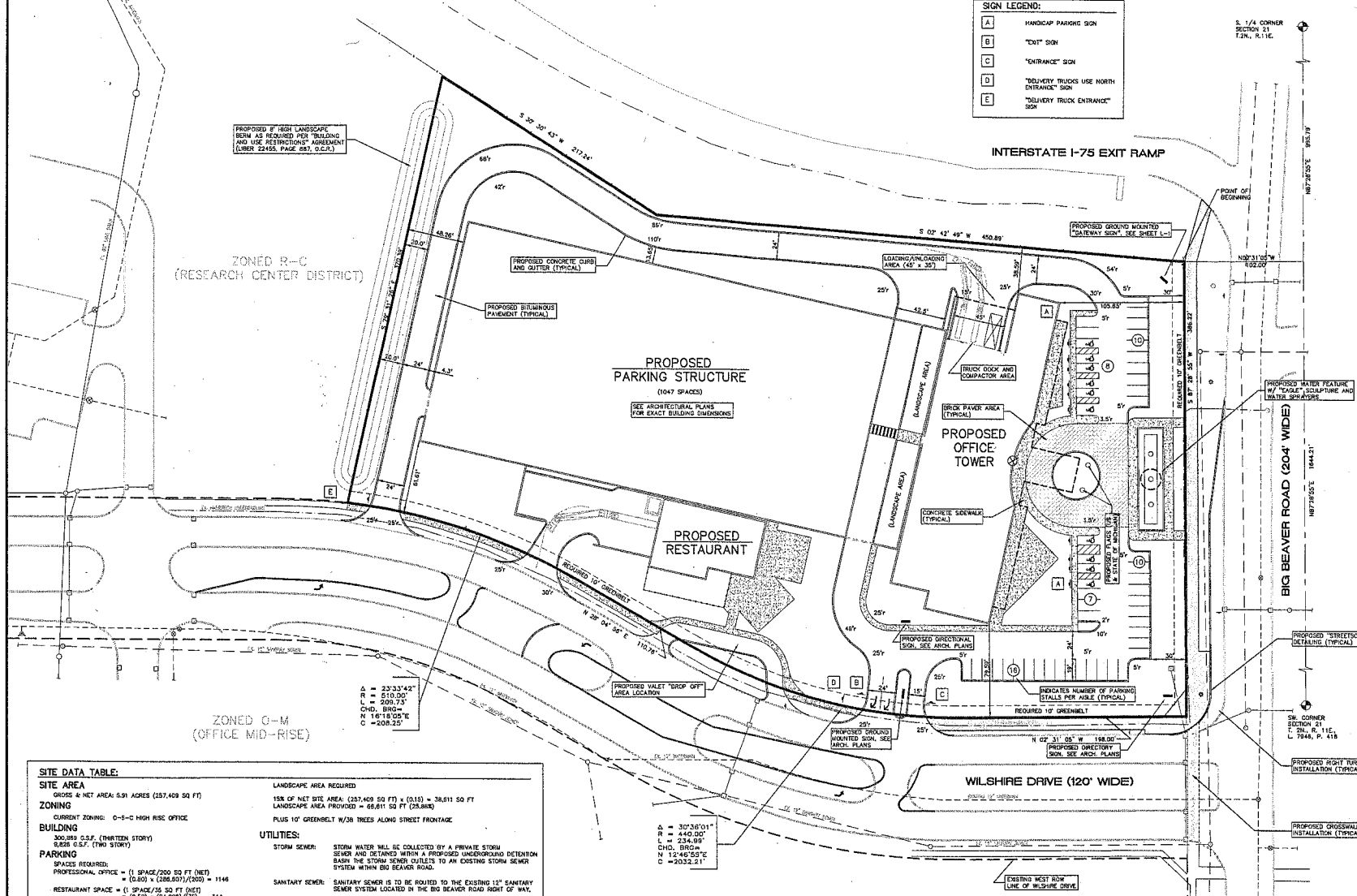
(NOT FOR CONSTRUCTION)

**BURTON KATZMAN**  
30100 TELEGRAPH ROAD, SUITE 368  
BINGHAM FARMS, MICHIGAN 48025

**PRELIMINARY SITE PLAN**  
**STERLING CORPORATE CENTER**  
PART OF SECTION 21, T. 2N., R. 11E.,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DRW. SAS BUR. NF SCALE 1" = 40' JOB NO. 2002233  
DES. EWS P.M. JPB DATE 12-2-02 DWG. NO. P-4

**PROFESSIONAL ENGINEERING ASSOCIATES**  
2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-1990



ZONED O-S-C  
(OFFICE SERVICE COMMERCIAL)

**CAUTION !!!**  
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



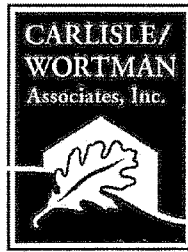
7. PREPARED FOR CITY OF TROY REVIEW COMMENTS	8-1-03
8. CITY OF TROY REVIEW COMMENTS	8-1-03

**SITE DATA TABLE:**

<b>SITE AREA</b> GROSS & NET AREA: 5.91 ACRES (257,409 SQ FT)	<b>LANDSCAPE AREA REQUIRED</b> 15% OF NET SITE AREA: (257,409 SQ FT) x (0.15) = 38,611 SQ FT LANDSCAPE AREA PROVIDED = 68,811 SQ FT (25.56%) PLUS 10' GREENBELT W/38 TREES ALONG STREET FRONTAGE
<b>ZONING</b> CURRENT ZONING: O-S-C HIGH RISE OFFICE	<b>UTILITIES:</b> <b>STORM SEWER:</b> STORM WATER WILL BE COLLECTED BY A PRIVATE STORM SEWER AND DETAINED WITHIN A PROPOSED UNDERGROUND DETENTION BASIN. THE STORM SEWER OUTLETS TO AN EXISTING STORM SEWER SYSTEM WITHIN BIG BEAVER ROAD. <b>SANITARY SEWER:</b> SANITARY SEWER IS TO BE ROUTED TO THE EXISTING 12" SANITARY SEWER SYSTEM LOCATED IN THE BIG BEAVER ROAD RIGHT OF WAY. <b>WATER MAIN:</b> PROPOSED 12" WATER MAIN SYSTEM IS TO CONNECT TO THE EXISTING 12" WATER MAIN IN TROY CENTER DRIVE. <b>SOIL EROSION:</b> SOIL EROSION AND SEDIMENTATION CONTROL WILL BE PROVIDED IN ACCORDANCE WITH CITY OF TROY STANDARDS.
<b>BUILDING</b> 300,000 S.F. (THIRTEEN STORY)	<b>STORM WATER DETENTION:</b> TOTAL AREA = 5.91 AC., C = 0.81 (Per City of Troy Requirements) $Q_p = (0.2 \text{ cfs/sq ft}) (5.91 \text{ ac}) = 1.18 \text{ C.F.S.}$ $Q_p = \frac{1.18}{(3.5)(0.81)} = 0.25 \text{ C.F.S.}$ $T_d = -25 + \sqrt{\frac{4.56 Q_p}{0.15}} = 135.0 \text{ min.}$ $V_{50} = \frac{(0.000136 Q_p)}{(0.35)(0.92)} = (40)(0.25)(138.0) = 7.527 \text{ CF./sq. in.}$ $V_{50} = (7.527)(0.81)(5.81) = 36.030 \text{ C.F.}$ THEREFORE REQUIRED DETENTION VOLUME = 36,030 C.F. DETENTION VOLUME PROVIDED = 36,000 C.F.
<b>PARKING</b> SPACES REQUIRED: PROFESSIONAL OFFICE = (1 SPACE/200 SQ FT NET) $(6,000 \times (0.005)) / (200) = 1146$ RESTAURANT SPACE = (1 SPACE/35 SQ FT NET) $(8,500 \times (1/35)) / (35) = 344$ TOTAL REQUIRED = 1490 SPACES SPACES PROVIDED: STANDARD 8' x 18' (SURFACE) = 39 SPACES STANDARD 8' x 18' (DECK) = 1038 SPACES STANDARD BARRIER FREE 8' x 18' (SURFACE) = 10 SPACES STANDARD BARRIER FREE 8' x 18' (DECK) = 12 SPACES TOTAL SPACES PROVIDED = 1098 SPACES	
<b>LANDSCAPING</b> SITE AREA = 257,409 SQ FT LANDSCAPE AREA = 68,811 SQ FT REQUIRED 10' GREENBELT = 11,200 SQ FT % OPEN SPACE (INCLUDING GREENBELT) = 75.91%/257,409 = 30.27% % OPEN SPACE (EXCLUDING GREENBELT) = 67.65%/257,409 = 25.88%	

A = 23°33'42"  
R = 510.00'  
L = 209.73'  
CHD. BRG =  
N 16°18'05"E  
C = 208.21'

A = 30°36'01"  
R = 440.00'  
L = 234.09'  
CHD. BRG =  
N 15°44'53"E  
C = 203.21'



*Community Planners Landscape Architects*  
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935  
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 fax 248-625-8455

Date: February 4, 2003  
Revised: March 4, 2003  
Revised: April 2, 2003  
Revised: August 1, 2003  
Revised: September 10, 2003

## **Planned Unit Development/Site Plan Review For City of Troy, Michigan**

### **GENERAL INFORMATION**

**Applicant:** Burton-Katzman Development  
30100 Telegraph Road  
Suite 366  
Bingham Farms, Michigan 48025

**Project Name:** Sterling Corporate Center

**Plan Date:** December 4, 2002

**Latest Revision:** September 2, 2003(cover page)

**Location:** Northwest corner of I-75 and Big Beaver Road

**Zoning:** O-S-C, Office Service Commercial

**Action Requested:** Preliminary Site Plan and PUD approval.

**Required Information:** Provided

### **PROJECT AND SITE DESCRIPTION**

The applicant proposes to build a thirteen (13) story office building; comprised of 300,869 gross square feet. In addition, a 9,800 square foot building planned as a restaurant is located along the



Wilshire frontage. The buildings will be served by an attached five (5) level parking structure (with one level below ground). The project is located on a 5.91 acre site. The first floor of the building will contain restaurants and a branch bank. Other supportive service uses are possible. Upper floors will be devoted to office use.

A number of significant changes have been made throughout the process. The following summarizes modifications which have been made to improve the project:

- Extensive improvements have been made in terms of streetscape improvements and pedestrian walkability. As a result, the Sterling Office Center can be significant in terms of redefining the Big Beaver corridor from what is otherwise an automobile oriented, pavement dominant environment. Through both hardscape (pavement treatments, street furniture, etc.) and softscape (landscape), the applicant is proposing to set a tone that will challenge others to follow. Furthermore, they have committed to provide funding for an urban design plan for Big Beaver between I-75 and Crook that will allow their conceptual ideas (depicted on Sheets C-3&C-5) to be transformed into more specific design plans.
- The parking garage has been moved on the site eastward to accommodate a new building between Wilshire Drive and the parking structure. The two story building along Wilshire Drive is 9,800 square feet in size and will be attached to the parking structure. This new building, in conjunction with the addition of architectural elements on the top of the parking structure, will improve the appearance of the structure from Wilshire and Big Beaver Road and will enhance the mixed use nature of the project.
- Stormwater retention has been relocated to oversized, underground pipes, which will improve the appearance of the site.
- A landscape area has been included on a section of the second floor overhang connecting the parking garage and office building.
- In addition to enhancements proposed along their frontage, the applicant will be providing street trees and other landscape improvements along Wilshire. They will also extend sidewalks to the point where Wilshire makes its turn westward.
- Gateway enhancement remains part of the plan with landscaping of the cloverleaf (with MDOT approval) and gateway signage on the applicant's property.
- Stronger articulation of quality building materials has been provided. Greater use granite is indicated. More detailed material sample illustrations are provided on Sheet AR-9 and AR-10.
- The front landscape berm has been reduced in height to enhance views of outdoor seating areas, landscape plaza, and lower building façade.

- One parking space has been eliminated on each side of the front pedestrian plaza, again to enhance views into the site and to increase the pedestrian appeal to this area.



## TRAFFIC IMPACT

The applicant's traffic impact study of the proposed development was previously submitted and has served as the basis for a number of the City's recommendation. In addition to the improvements that will be made based on the traffic study, the City's Traffic engineer has recommended reconfiguration of the median of Wilshire.

Finally, City staff expressed concern about the location of valet parking. As a result, a turnoff drive, separated from Wilshire will now be provided.

*Items to be Addressed: None.*

## ESSENTIAL FACILITIES AND SERVICES

The site has access to water and sewer that is located in Wilshire Drive. Storm sewer is available to the site from Big Beaver and Wilshire Drive. All stormwater will now be handled by oversized underground piping.

*Items to be Addressed: None*

## **PUD ELIGIBILITY**

The Zoning Ordinance sets forth criteria in Section 35.30.00 Eligibility, for consideration of a project as a PUD. The following are our comments:

*Section 35.30.00, A. and B1:* The proposed development meets the general locational requirements set forth in Sections 35.30.00, A. and B1.

*35.30.00.C.1: Provide development quality objectives such as those referred to in Section 35.30.00-B-2 above.* In earlier submissions, the applicant relied heavily upon these standards primarily related to the building in order to justify the PUD. The revised plan places more emphasis on site improvements that will set a positive tone for the Big Beaver corridor. Furthermore, the applicant has provided a concept plan and committed to fund a more detailed design plan for Big Beaver, between I-75 & Crooks.

The new building adjacent to the parking structure, and addition of architectural elements, will vastly improve the appearance of the garage façade from Wilshire Drive. Incorporation of a granite base for up to the third level of the office building, a matching height for the parking structure and for the overhang between, will also improve the appearance of the buildings and will promote consistency among them.

The adjustment of the parking structure to include the new building on Wilshire changes the landscape plan along the I-75 frontage of the site. The landscaping proposed in this area are mostly evergreens and range in size from ten (10) feet to eighteen (18) feet. The effect that this screening will have is a screen of the first few floors. This landscaping, in conjunction with the new architectural elements, should provide an attractive appearance from I-75.

The applicant previously added a landscape area on the second level of the structure. This is at the entryway to the building and is an improvement to the plan. A concern expressed by the Commission has been the appearance and use of the top deck of the garage. The applicant has indicated that finding a use for the roof of the garage beyond parking, as a park or similar, would be of marginal benefit to the project. In absence of the other measures the applicant is now proposing, we believe that some use and landscaping of the rooftop could benefit the project. However, there will be a much greater benefit provided by the landscape, streetscape and site design improvements that have been added to the site, along Wilshire, and within the cloverleaf.

Revisions to the front landscaping, porte-cochère, water features and outdoor seating areas are potential "development quality objectives". As requested, designated areas for seating have been

delineated on the plan. There will be at least two (2) outdoor dining areas for the restaurants, one in front of the main building and one as part of the new restaurant.

Per the Planning Commission's request, the applicant has increased the finish floor elevation of the building and reduced the berms along Big Beaver Road and Wilshire Drive, each by one foot. This will ensure that views to the outdoor dining areas from each road will be preserved.

*35.30.00.C. 2: Provide a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare.* The project has been represented as "mixed use" in nature. The applicant has indicated in previous documentation that the ground floor will be reserved for commercial uses, including restaurants, health facilities, sundry shops, apparel shops, etc. All of the proposed uses are permitted in the underlying OSC District. The new restaurant fronting on Wilshire will further the case for mixed use on the site.

*35.30.00.C. 3: Provide a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses.* Improvements to the I-75 exit ramp cloverleaf, titled the "Gateway Treatment", and Wilshire Drive are identified public improvements as required. MDOT approval will be required for the landscaping of the cloverleaf.

In the previous plan, street trees were added to the center median of Wilshire Drive and at the east side of Wilshire near the Big Beaver intersection. Additional landscaping and pedestrian paving have been provided within the boulevard of Wilshire.

*35.30.00.C. 4: Alleviate traffic congestion.* Traffic congestion on the site was previously improved with the removal of the northeast entry into the garage, the widened exit at the bank drive-thru, the enlarged truck loading area and the additional exit lane at the main entrance to the site. The traffic impact study has been provided, and the applicant has indicated that all recommendations of the plan will be carried out including lane improvement on Big Beaver Road. Additional modifications have been made to the boulevard access and valet drop-off at the request of the City.

*35.30.00.C. 5. and 6.: Provide for the appropriate redevelopment or re-use of sites that are occupied by obsolete uses. Provide a complementary variety of housing types that is in harmony with the adjacent uses.* Not applicable.

*35.30.00.C. 7: Promote the intent of the Master Land Use Plan.* While the proposed development is generally in compliance with the Master Plan, the Master Plan does not specifically contemplate a development which is significantly greater than the intended intensity of the site. However, the Commission may make a finding that the project is both consistent with and advances the goal of the Master Plan. Given the location of the site and its relationship to surrounding land use, a building of this size, height and intensity would be appropriate, provided there are sufficient benefits afforded by the PUD.



***Items to be Addressed: None***

## PLANNED UNIT DEVELOPMENT STANDARDS

The Ordinance sets forth general standards in Section 35.40.00 General Development Standards. The following are our comments:

### A. Consistency with Intent of Master Plan:

The City of Troy Master Plan identifies the subject property as planned for High Rise Office. The Master Plan makes the following statements in regard to this land use category.

*"Encourage major office and office/research development within the geographic limits indicated on the Future Land Use Plan." Future Land Use Plan, page 18.*

- The subject property is a vacant parcel within an area planned for High Rise Office and is located at the highly visible corner of Big Beaver Road and the I-75 Expressway.

*"Subsequently take actions to optimize the revenue, service, and employment values of the office and office/research areas." Future Land Use Plan, page 18.*

- The site is similar in use to adjacent uses, and will generate tax revenue and employment opportunities for the City of Troy.

*"Encourage the provision of support service and commercial uses within office and office research developments." Future Land Use Plan, page 18.*

- The development is proposed to contain several support services, to include some of the following: two (2) full service restaurants (one within a separate building along Wilshire), a bank, shops, and health facilities, in the office building.

*"Initiate and support actions to aesthetically integrate and provide positive identities for office and office research areas." Future Land Use Plan, page 18.*

- The subject property is located at Big Beaver and I-75, which is a very prominent location both within the City of Troy and the Detroit Metropolitan Region. The site plan includes streetscape improvements, additional plantings, a landscaped plaza and a planned water feature. The site plan also provides landscape and architectural lighting along all of its property lines, of which particular concern are the I-75, Big Beaver Road and Wilshire Drive frontages. These features include berms, vegetation and architectural lighting.

The proposed parking structure has been stepped down at the rear of the property, reduced in width and added an underground level. The new plan includes the

addition of the building on the west side of the parking structure, incorporates new architectural elements and furthers a consistency of materials used between the office tower and parking structure. Each of these improvements will help to lessen the visual impact the office and parking structure.

*"Establish standards for the provision of pedestrian amenities and facilities on development sites." Future Land Use Plan, page 19.*

- The site plan provides increased landscape amenities that will encourage a pedestrian relationship with Big Beaver Road. A landscaped and paved area along Big Beaver connects to the existing front sidewalk and has been extended across Wilshire.
- The existing sidewalk at the northwest edge of the site has been extended the full length of the subject property's west boundary and connected to the sidewalk along Big Beaver Road as recommended.
- Sidewalks will be extended along Wilshire to the westward turn.
- The outdoor seating areas of the restaurants will promote a pedestrian scale that would encourage similar activities along Big Beaver.
- Outdoor benches have now been identified on Sheet L-3.

**B. Consistency and Compatibility with Adjacent Properties:** The proposed office building along Big Beaver Road and Wilshire Drive is in close proximity to other high-rise buildings:

- Directly south of the subject property on the south side of Big Beaver - twenty (20) story office building.
- To the west, on the west side of Wilshire Drive – thirteen (13) story office building.
- Twin, fourteen (14) story office buildings to the southeast.

**C. Open Space and Landscape Area:** Non-residential developments are to provide fifteen (15%) percent of open space and landscape area. Open space and landscape features are intended to be primary features of developments seeking PUD approval and are expected to provide substantially more open space area than that required for typical developments. Thirty-one (31%) percent of the site is dedicated to open space on the subject property.

**D. Stormwater Detention/Retention:** Stormwater previously proposed to be handled in a basin will be directed into oversized underground pipes. The balance of the site's drainage will be handled by the City of Troy's storm sewer.

**E. Parking:** Analysis provided below.

**F. Implementation Single/Cohesive Development vs. Multi-Stage Development:** The development on the subject site is to be completed in one (1) phase.

***Items to be Addressed: None***

## AREA, WIDTH, HEIGHT, SETBACKS

*The applicant has provided a narrative which describes the development's applicability with the standards of the PUD and requested deviations. In regards to setbacks and other dimensional requirements:*

	<b><u>Required O-S-C</u></b>	<b><u>Provided O-S-C</u></b>
<b>Lot Area</b>	1.5 acres	5.91 acres
<b>Setbacks</b>		
<b>Front (south)</b>	137.5 ft.	105.6 ft.
<b>Side (west)</b>	137.5 ft.	20 ft.
<b>Side (east)*</b>	67.5 ft.	38.6 ft.
<b>Rear (north)</b>	135 ft.	48.3 ft.
<b>Building Height</b>	330 ft.	191 ft.
<b>Intensity Control</b>	177,300 sq. ft.	310,665 sq. ft.

\* = Required setback can be reduced when abutting a limited access freeway right-of-way.

As the table indicates, the bulk of the proposed development will result in deficient setbacks on each side and the project exceeding the Intensity Control per Section 26.70.00.

***Items to be Addressed: None***

## PARKING, LOADING

### Parking Analysis

The Site Data table indicates the following number of spaces as provided:

	<u>Required</u>	<u>Provided</u>
<b>Off-Street</b>	Office: 1,146 Restaurant: 344 Total: 1,490	Deck: 1035  Total: 1,098
<b>Barrier Free</b>	21	22
<b>Van-Accessible</b>	3	3
<b>Loading</b>	5	3

The applicant based office parking spaces based on eighty (80%) percent usable space of 286,607 at one (1) space per two hundred (200) sq. ft. and commercial/restaurant space based on fifty (50%) percent of total for a dining area of 24,062 at one (1) space per thirty-five (35) sq. ft.

The applicant has provided a study by Desman Associates, the applicant's parking consultant, detailing the parking needs of the facility. According to the report, uses are projected to have a peak need for 1,002 spaces on weekdays and five hundred twenty-one (521) spaces on weekends. Shared parking, seasonal and hourly variation in use will likely be a significant factor in the amount of necessary parking.

Based on this information, permission for the three hundred seventy-five (375) fewer spaces than the 1,490 required is appropriate. Factoring the 1,002 spaces recommended in the parking consultant's report with the additional one hundred thirty-five (135) spaces required by the new restaurant, the site would be deficient by only twenty-two (22) spaces (this does not factor the shared parking, seasonal and hourly variation discussed before). Therefore, we would support this reduction in parking due to varying peaks in parking for the proposed uses.

#### Parking Structure Width

As noted, the width of the parking spaces are deficient in some areas by one-half (1/2) of a foot. According to the Ordinance, parking stalls within multi-level parking structures may be placed at nine (9) feet in width, subject to the approval of the Planning Commission.

#### Loading Areas

A structure over 100,001 square feet in gross square footage is required to provide five (5) loading spaces. The applicant has indicated in his response that only three (3) loading spaces are needed for the site. Loading areas should be dimensioned at 10' x 50' or 500 square feet in area. The loading area for the office tower is dimensioned at 45' x 35', for a total of 1575 square feet in area. While the required amount of square feet is met, the length of the spaces will be deficient by fifteen (15) feet. Providing the required fifty (50) foot length would require extension into the lane of traffic.

The service area for the restaurant will include a loading space. There is adequate area both for maneuvering and to meet the required 10' x 50' dimensions.

Given the nature of the use, we would recommend that three (3) loading spaces and the reduced loading space length are adequate.

*Items to be Addressed: None*

## **SITE ACCESS AND CIRCULATION**

*Site Access:* The main entry is from the west, off of Wilshire Drive. This access drive is nearly fifty (50) feet in width with a fifteen (15) foot ingress lane, and includes two (2) egress lanes totaling twenty-four (24) feet. The lanes are separated by a boulevard island. A second twenty-four (24) foot drive is located at the north end of the site. The revised plan also includes an approximately twenty-five (25) foot drive at the rear of the proposed restaurant. This drive is strictly for service of the restaurant and will have no connection to the interior of the parking structure.

Due to the City's Traffic Engineer concern over the valet parking, a revised circle drive arrangement is provided. Furthermore, boulevard islands within Wilshire have been modified.

*Site Circulation:* The main access drive of the site is located in the southwest corner and provides access to the parking structure and surface parking in the southwest corner and south side (front) of the site. The access drive completes a loop from the southwest corner, through the surface parking on the south side, continuing along the west and north side of the parking structure, then finally ending at Wilshire Drive in the northwest corner. The drive is twenty four (24) feet in width, consistent with the previous plans.

In general, access to the parking structure and site circulation has been improved and will function adequately for the site.

*Items to be Addressed: None*

## **LANDSCAPING**

The landscape plan illustrates an attractive landscaping concept which includes a landscaped plaza water feature, improved pedestrian seating and amenities, and an enhanced streetscape concept. The type and landscaping proposed is what would be expected of a signature office building.

**Composition:** The composition is acceptable.

**Greenbelt:** The required ten (10) foot greenbelt has been provided. The number of trees for the greenbelt is calculated at one (1) tree for every thirty (30) lineal feet of frontage. Since there is a total frontage of 1,143.22 feet of frontage on both Big Beaver and Wilshire Drive thirty-eight (38) trees are required and provided.

In addition, a raised planting bed with water feature and sculpture in the center of the frontage along Big Beaver extends into the front greenbelt. Additional parking has been eliminated to enhance the appearance of this area. This area contains extensive planting comprised of different varieties of Junipers and Spirea.

**Rear Yard  
Screening:**

An eight (8) foot berm is proposed along the northern boundary of the site. Forty-two (42) coniferous trees are also proposed in an offset pattern for the top and inside slope of the berm. Half (1/2) of the berm and landscaping is located on the adjacent property to the north. The agreement for construction of the berm and for maintenance of the landscape materials has been provided.

**Porte-  
Cochere:**

A porte-cochere is planned for the Big Beaver Road elevation. The area on either side of, and in front of the porte-cochere, is designed as a landscaped plaza. A circular planting area in the center of a semi-circular drive between the porte-cochere and the water feature/planting area is also included. The flags previously proposed within the greenbelt have been moved to this circular planting area.

**Water  
Feature:**

An 18.5' x 85' pool/water feature is proposed. The feature will include a sculpture in the center of the feature, with water aerators on either side. The water feature will also allow for seating along its edges. While final designs for such are still being worked out and final designs will be provided when available, the Plaza Perspective elevation of the water feature provides an indication of what will be an attractive feature.

**Site**

**Landscaping:**

Developments requesting PUD approval shall provide substantially more open space area than required for typical developments within the underlying zoning district (fifteen (15%) percent for non-residential sites). Thirty-one (31%) percent of the site has been provided for site landscaping.

**Off-Site**

**Landscaping:**

As indicated, the applicant proposes extensive landscaping of a portion of the interchange. This will be a clear benefit of the project. Landscaping has been provided in the median of Troy Center. An added benefit is the enhanced crossing at Wilshire.

**Other**

**Landscaping:** Landscaping has been provided on the overhang between the parking structure and office building. This should improve the appearance of the second floor entry.

**Details:** Provided.

**Refuse**

**Container:** There are three (3) areas designated on the site plan for either a dumpster or trash enclosure. A compactor location is identified inside the truck loading area, while a trash enclosure is located just inside the parking structure at its southwest entry. The new restaurant includes a dumpster directly behind it. No details of such have been provided.

*Items to be Addressed: None*

## **LIGHTING**

*Parking Lot:* Seven (7) pole mounted down light fixtures are proposed.

*Greenbelt:* Seventeen (17) ground landscape fixtures are proposed to be located between the canopy trees and other landscaping along Big Beaver and Wilshire Drive.

*Front Landscape Plaza:* In front of porte-cochere, the following number of fixtures are proposed in the planting beds: Twelve (12) ground landscape fixtures, seven (7) bollards with directional shielding around the north side of the semi circular drive.

*Southwest Parking Structure Entrance:* Two (2) ground landscape fixtures.

*Water Feature/Raised Planting Bed and Surrounding Area:* Six (6) recessed wall luminaries, four (4) bollard lights, and five (5) ground landscape fixtures (also part of Greenbelt).

*Office Tower / Parking Structure Wall:* The office tower includes thirty-six (36) wall fixtures to softly light the tower's base, arcade, façade and roof overhang. All lighting previously proposed for the parking structure wall has been removed on the most recent plan.

*East Landscape Area:* Eight (8) ground landscape fixtures are proposed.

*Site Drives:* Twenty-one (21) pole mounted light fixtures are proposed throughout the site.



Light Fixture	Number
Recessed Wall Luminaries	6
Ground Landscape Fixtures	39
Bollards	11
Parking Lot Pole Mounted Lights	7
Wall Fixtures	36
Total	102

A photometric plan has also been submitted at this time and is appropriate.

*Items to be Addressed: None.*

## **SIGNS**

Tenant signs are proposed to be located on the north and west elevations on the front of the porte-cochere. Two ground signs indicating tenants are also proposed and details have been provided. Section 9.02.03 of the Ordinance permits two ground signs for sites located on major thoroughfares. The second of the two signs may not exceed thirty-six (36) square feet. Based on the proposed monument sign which is located adjacent to Big Beaver Road, maximum sign area is exceeded by approximately twenty-nine (29) feet. Given the size of building and its location, we do not believe the increased signage is unreasonable.

Directional signage for the building has been indicated. No details have been provided for the exit, entrance, or delivery signs at this time.

A ground sign for the proposed Gateway Treatment has been provided at the southeast corner of the site along Big Beaver Road. This sign is proposed to be a business corridor identity sign - "Welcome to Troy", and will be reviewed by the City. The applicant has indicated that the sign details have been provided to the Gateway Committee for review and selection.

*Items to be Addressed: None.*

## **FLOOR PLANS AND ELEVATIONS**

Elevations have been provided for both the building and parking structure. The applicant has provided better representation of the quality of materials to be used. Sheets, AR-9 and AR-10 depict both interior and exterior finishes.

*Items to be Addressed: None.*

## RECOMMENDATIONS

A number of significant improvements have been made to the site plan over the course of our reviews. Greater emphasis has been placed on using the project to encourage a positive image of the Big Beaver corridor. Many of the revisions relate to the pedestrian scale, missing from past revisions. Enhancement of walkways, addition of street furniture and improvements to the crossing at Wilshire, all add to improved walkability. Of particular note is the new restaurant attached to the parking structure and the additional architectural elements incorporated onto the structure's façade. These improvements, coupled with a reduction in height and footprint, a consistency of materials on both the lower and upper floors, and a landscaped area on the overhang connection between the structure and office tower, will help to decrease the bulky appearance of the structure.

The continued improvements that the applicant has made allow us to make a recommendation of approval. Of the several objectives set forth in Section 35.30.00.C, we are able to positively determine that portions of C.1 (quality development objective), and C.3 (provide public improvements) are met. The incorporation of the new restaurant will help to increase the mixed-use aspects of the site and therefore further a case for requirement C.2 (mixture of land uses).

---

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

RKC:jk

# 225-02-2202

cc: Charles M. DiMaggio, Burton-Kazman Development Company, FAX (248) 647-2120  
Jim Butler, Professional Engineering Associates, FAX (248) 689-1044

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North Side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed Sterling Corporate Center PUD. Mr. Miller reported that it is the recommendation of the Planning Department to approve the PUD.

Mr. Carlisle, Planning Consultant, presented a summary of his report on the proposed PUD. He noted that as a result of extensive discussions among the petitioner, Planning Department, City staff and himself, all original concerns have been addressed. Mr. Carlisle gave an overview of the recent revisions to the plan that have made it an acceptable Planned Unit Development project; i.e., extensive streetscape and pedestrian walkability improvements, a restaurant attached to the parking structure, storm water retention and landscaping improvements, and quality building materials. It is the recommendation of Mr. Carlisle to approve the PUD.

The petitioner, Peter Burton of Burton Katzman Development Company, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. Burton said it has been three years of working together with City staff, politicians, the Planning Commission and the Planning Consultant to create the PUD document. The PUD ordinance has been achieved to create a project that fits a vision of the City of Troy from a planning perspective as well as maximizing value. Mr. Burton said the project would be one of which everyone can be proud, and he looks forward to working with the community in seeing the project to its fruition.

Mr. Strat asked the petitioner why cross sections of the pedestrian walkway and parking lot have not been provided as requested by the Commission.

Chuck DiMaggio of Burton Katzman was present. Mr. DiMaggio responded that a cross section prepared by the project engineer was discussed at a previous study session, at which time it was attempted to address Mr. Strat's concerns. He stated that a total depression of the parking area could not be accomplished because of the complexities involved with the storm water drainage system and handicapped facilities from the parking spaces up to the level of the building. Mr. DiMaggio said that Mr. Strat's suggestions were seriously considered and believes they have been addressed meaningfully.

Mr. Strat commented that no documentation has been provided to the fact that the depression of the parking lot could not be accomplished due to the underground water retention.

Mr. Burton responded that the project engineers have tried to their greatest extent to accomplish the depression of the parking lot, as suggested by Mr. Strat, and wanted to go on record to state that they would continue to work on improving that concept.

Mr. Kramer questioned the proposed landscaping on the MDOT property within the I-75 Interstate cloverleaf.

Mr. Burton stated that there is no way to assure MDOT's commitment to the landscaping, but Burton Katzman promises to work together with the City to get the landscaping. Mr. Burton said that in the event MDOT does not achieve the landscaping, Burton Katzman has committed to donate to the City the equivalent dollar amount of the landscaping for other improvements along Big Beaver Road. Mr. DiMaggio stated that contacts with MDOT relative to landscaping the cloverleaf have led Burton Katzman to believe it is achievable. Mr. DiMaggio said a permit application has been submitted to MDOT.

Mr. Miller reported the preliminary plan includes the I-75 cloverleaf landscaping, and the plan would have to be considered again should MDOT not commit to the landscaping prior to final plan approval. Mr. Miller said he is comfortable with the proposal at this time because of the commitment made by Burton Katzman in their September 7, 2003 communication.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

Mr. Storrs said he initially thought and still thinks the proposed development does not qualify under the PUD ordinance, even with the substantial changes and improvements that have recently been made. He cited that the development fails six of the eight objectives under the *Intent* and believes the proposed improvements do not justify the 70% increase in office density. Further, Mr. Storrs said that the development fails three out of the five objectives under *Eligibility*, as well as failing some of the General Development standards. Mr. Storrs said he would like to see a more aggressive mixed-use development on the site.

#### **Resolution # PC-2003-10-029**

Moved by: Waller

Seconded by: Wright

**RESOLVED**, That the Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development (PUD – 3), located on the north side of Big Beaver Road and on the west side of I-75, located in section 21, within the O-S-C zoning district, being 5.91 acres in size, is hereby recommended for approval by the Planning Commission.

**BE IT FURTHER RESOLVED**, the proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.1, the applicant demonstrated quality objectives such as those referred to in Section 35.30.00-B-2. In the earlier submissions, the applicant relied heavily upon these standards primarily related to the building in order to justify the PUD. The revised plan places more emphasis on site improvements that will set a positive tone for the Big Beaver corridor. Furthermore, the applicant has provided a concept plan and committed to fund a more detailed design plan for the Big Beaver Corridor.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.2, the applicant provides a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare. The project has been represented as "mixed use" in nature. The applicant has indicated in previous documentation that the ground floor will be reserved for commercial uses, including restaurants, health facilities, sundry shops, apparel shops, etc. All of these proposed uses are permitted in the underlying O-S-C zoning district. While the restaurant, fronting on Wilshire Drive furthers the case for mixed use on the site, in that it would not be permitted in the underlying O-S-C zoning district.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The improvements to the I-75 exit ramp cloverleaf, titled the "Gateway Treatment", and Wilshire Drive are identified public improvements as required. In addition, street trees and pedestrian paving were added to the center median of Wilshire Drive and at the east side of Wilshire near the Big Beaver intersection.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.4, traffic congestion on the site was previously improved with the removal of the northeast entry into the garage, the widened exit at the bank drive-thru, the enlarged truck loading area and the additional exit lane at the main entrance to the site. The traffic impact study has been provided, and the applicant has indicated that all recommendations of the plan will be carried out including lane improvements on Big Beaver Road. Additional modifications have been made to the boulevard access and valet drop-off at the request of the City.

**BE IT FURTHER RESOLVED**, Pursuant to Article 35.30.00.C.7, the PUD is generally in compliance with the Future Land Use Plan. The Future Land Use Plan does not specifically contemplate a development which is significantly greater than the intended intensity of the site. Given the location of the site and its relationship to surrounding land use, a building of this size, height and

intensity would be appropriate, provided there are sufficient benefits afforded by the PUD.

***BE IT FURTHER RESOLVED***, that the Preliminary Planned Unit Development consist of a project manual, dated September 2 2003, which contains narratives, reduced plans, and full size plans, including the following:

Project Manual – Dated and Stamped September 2, 2003

Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan
Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan
Sheet L-2	Gateway Landscape Plan
Sheet L-3	Preliminary Streetscape Plan
Sheet L-4	I-75 Section Plan
Sheet L-5	Big Beaver Road Urban Design Concept Sketch
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan
Sheet A-101	Lower & Second Level Plan
Sheet A-102	Third & Fourth Level Plan
Sheet A-200	North and South Elevations
Sheet A-201	East and West Elevations (stamped October 9, 2003)
Sheet A-202	Building Sign Elevations and Details (stamped October 9, 2003)
Sheet A-203	Building Sign Elevations
Sheet A-300	Building Sections
Sheet L-100	Site Lighting Plan
Sheet L-200	Site Lighting Photometric Plan
Sheet L-300	Building Lighting Plan
Sheet AR-1	Big Beaver Road Photographic Elevation (day)
Sheet AR-2	Big Beaver Road Elevation (night)
Sheet AR-3	North and South Elevations
Sheet AR-4	East and West Elevations
Sheet AR-5	City Wide Elevation
Sheet AR-6	Plaza Perspective
Sheet AR-7	Wilshire Drive Building Perspective
Sheet AR-8	Parking Structure Enlarged Elevations
Sheet AR-9	Building Material Examples
Sheet AR-10	Building Material Samples

Full Size Plans (Stamped by Planning Dept. - Revised Sept. 3, 2003):

Sheet P-1	Cover Sheet
Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan

Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan
Sheet L-2	Gateway Landscape Plan
Sheet L-4	I-75 Section Plan
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan
Sheet A-101	Lower & Second Level Plan
Sheet A-102	Third & Fourth Level Plan
Sheet A-103	Floor Plans
Sheet A-200	North and South Elevations
Sheet A-201	East and West Elevations (stamped October 9, 2003)
Sheet A-202	Building Sign Elevations and Details (stamped October 9, 2003)
Sheet A-203	Building Sign Elevations
Sheet A-300	Building Sections
Sheet L-100	Site Lighting Plan
Sheet L-200	Site Lighting Photometric Plan
Sheet L-300	Building Lighting Plan

***BE IT FINALLY RESOLVED,*** That

1. The lower level of the building exterior (dark material) shall be all granite.
2. Uplighting all four sides of underside of pagoda style roof shall be allowed.
3. No illuminated signage on high-rise building on north or west side above 4<sup>th</sup> floor (ground floor plus 3 floors). Exterior signage for the restaurant located alongside the west side of the parking deck is allowed.
4. Parking structure has horizontal bars in open spaces (same as building).
5. If MDOT agrees, landscaping shall be provided along east edge of property on MDOT property, between the I-75 off-ramp and the property line plus in the Northwest cloverleaf of I-75 immediately east of the property. In addition, irrigation and/or lawn sprinklers will be provided on the MDOT property, with water being provided from the Sterling Bank site at no cost to MDOT or the City of Troy. Further, all maintenance and winterizing of the irrigation and/or lawn sprinklers on MDOT property will be the responsibility of Sterling Bank and/or Burton Katzman. If the above cannot be accomplished, then a cash payment to the City of Troy for alternate landscaping to the west of the site shall be provided of equivalent value of the landscaping proposed, due within six months of construction start.
6. Rooftop gardens concept shall be encouraged for the following locations:
  - 2nd level at building access to parking deck
  - top of building (adjacent to top two floors)
  - top of parking structure (partial)

- If the rooftop gardens concept is utilized, the square footage allocated shall be considered in all calculations for landscaping, open space and green space.
7. Electrical connections shall be provided and maintained for a future gateway sign.
  8. For Wilshire Boulevard, landscaping shall be provided in the median.
  9. Commitments made to two neighboring subdivision shall be honored.
  10. To allow maximum visibility of the front of the building, incorporate into the design for the front plaza area the lowest possible practical elevation for the parking and lower as much as possible the berm adjacent to the Big Beaver sidewalk.
  11. The proposed urban sidewalk design shall be included. Consideration should be given to providing useful and decorative low level pedestrian scale lighting along Big Beaver Road.
  12. For the fire service road to the north and east of the parking structure, consideration should be given for use of an open grid type paver for road construction. This would allow grass to grow in the open spaces and water to permeate.

#### Discussion.

Mr. Vleck suggested the motion request the petitioner to provide a side elevation plan that shows the building elevation, the front parking elevation and the Big Beaver Road elevation.

The Commission was in agreement.

Mr. Strat suggested the motion include pedestrian scale lighting along Wilshire Boulevard, as well as Big Beaver Road.

The Commission was in agreement.

Mr. Schultz suggested the motion include pedestrian scale lighting to be extended to the north property line of the project to give a cohesive finished appearance to the entire site (Concept Plan L-3).

The Commission was in agreement.



Discussion followed with respect to commitments made to the neighboring residents and the exterior illumination of the project.

**Resolution # PC-2003-10-030**

Moved by: Vleck

Seconded by: Storrs

**RESOLVED**, That item #9, "Commitments made to two neighboring subdivisions shall be honored" be deleted from the motion (Resolution #PC-2003-10-029).

Yes: Kramer, Littman, Storrs, Vleck, Wright

No: Schultz, Strat, Waller

Absent: Chamberlain

**MOTION CARRIED**

Vote on the motion (Resolution #PC-2003-10-029), as amended to read as follows.

***BE IT FURTHER RESOLVED***, That

1. The lower level of the building exterior (dark material) shall be all granite.
2. Uplighting all four sides of the underside of pagoda style roof shall be allowed.
3. No illuminated signage on high-rise building on north or west side above the 4<sup>th</sup> floor (ground floor plus 3 floors). Exterior signage for the restaurant located alongside the west side of the parking structure is allowed.
4. Parking structure has horizontal bars in open spaces, the same as the building.
5. If MDOT agrees, landscaping shall be provided along east edge of property on MDOT property, between the I-75 off-ramp and the property line plus in the northwest cloverleaf of I-75 immediately east of the property. In addition, irrigation and/or lawn sprinklers will be provided on the MDOT property, with water being provided from the Sterling Bank site at no cost to MDOT or the City of Troy. Further, all maintenance and winterizing of the irrigation and/or lawn sprinklers on MDOT property will be the responsibility of Sterling Bank and/or Burton Katzman. If the above cannot be accomplished, then a cash payment to the City of Troy for alternate landscaping to the west of the site shall be provided of equivalent value of the landscaping proposed, due within six months of construction start.
6. Rooftop gardens concept shall be encouraged for the following locations:  
2nd level at building access to parking structure  
top of building (adjacent to top two floors)  
top of parking structure (partial)  
  
If the rooftop gardens concept is utilized, the square footage allocated shall be considered in all calculations for landscaping, open space and green space.
7. Electrical connections shall be provided and maintained for a future gateway sign.
8. For Wilshire Boulevard, landscaping shall be provided in the median.
9. To allow maximum visibility of the front of the building, incorporate into the design for the front plaza area the lowest possible practical elevation for the

parking and lower as much as possible the berm adjacent to the Big Beaver sidewalk.

10. The proposed urban sidewalk design shall be included and extended to the north property line along Wilshire Boulevard. Consideration should be given to providing useful and decorative low level pedestrian scale lighting along Big Beaver Road and Wilshire Boulevard.
11. For the fire service road to the north and east of the parking structure, consideration should be given for use of an open grid type paver for road construction. This would allow grass to grow in the open spaces and water to permeate.
12. The Petitioner shall provide a side elevation drawing of the front of the building, including Big Beaver Road. This drawing shall be provided with the Troy City Council submission.

Yes: Kramer, Littman, Schultz, Strat, Vleck, Waller, Wright  
No: Storrs  
Absent: Chamberlain

### **MOTION CARRIED**

Chairman Littman stated that he is in agreement with Mr. Storrs' comments on the increased office density, but feels the development will be an attractive asset to a location that has been blighted for years.

Mr. DiMaggio expressed his appreciation to both the Commission and staff.

Mr. Storrs stated his findings are that the proposed PUD fails six of the eight objectives in the *Intent (35.10.00)* section, and that it also fails the objective that the provisions are not intended to be used as a device for avoiding the applicable zoning requirements. Mr. Storrs stated the proposed PUD fails three of five identified objectives in the *Eligibility (35.30.00 D.3.C)* section, as well as failing a number of General Development Standards. Mr. Storrs said he would like to see a much more aggressive use of mixed use, and feels a residential component is needed at that site.

5. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant presented a summary of the Planning Department report for the proposed Sterling Corporate Center. Mr. Savidant reported the Planning Consultant, Richard Carlisle, would be present at the October 14, 2003 Regular Meeting to make his presentation. Mr. Savidant stated the Planning Department and Planning Consultant are in agreement that significant progress has been made on the PUD application and it is their recommendation to approve the PUD application.

A brief discussion followed on the recent changes made to the pedestrian improvements and amenities.

The petitioner, Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio expressed appreciation for the approval recommendation given by both the Planning Department and Planning Consultant. He gave a brief background on the pedestrian improvements and amenities that are proposed to preserve the Big Beaver Road character and provide community activity.

Mr. Miller said that a direction was taken toward a new urban design and look along the Big Beaver Road corridor.

Mr. Strat expressed concern with the development as viewed by vehicular traffic and noted that the petitioner has not given appropriate documentation as to why the parking lot cannot be depressed. Mr. Strat voiced objection to the proposed ring road adjacent to I-75.

Mr. DiMaggio responded that the ring road is a requirement of the Fire Department. With respect to the depression of the parking lot, Mr. DiMaggio said he attempted to address that concern earlier and stated that the suggested depressed parking lot could not be accomplished without installing an elaborate pumping system for storm water.

John Barker of Hobbs & Black, project architect, said documentation with respect to depressing the parking lot would be provided at the October 14, 2003 Public Hearing.

Discussion followed on potential outdoor plaza space for future tenants with respect to whether the space should be defined within the PUD application, the building façade and exterior railing, and the green space calculations if landscaped.

There was discussion on the exterior building material and the pre-cast concrete dissimulated limestone appearance. Mr. Barker clarified the discrepancy in the

pre-cast concrete designation within the proposed packet and confirmed the designation would be corrected prior to the Public Hearing. Mr. Barker said the proposed building architecture would be similar to the House of Representatives building in Lansing and the Ford Conference Center building at Greenfield Village.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant presented a summary of the Planning Department report for the proposed Sterling Corporate Center PUD. Mr. Savidant reported the revised PUD booklets were delivered to the Planning Department after the Labor Day holiday, which did not allow sufficient time for review by the Planning Department and Planning Consultant prior to tonight's meeting.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio reported that a number of changes have been made to the project as a result of the meeting with City staff and a very clear sense of direction was received from staff with respect to the Big Beaver Corridor goals and objectives. Mr. DiMaggio noted three very important items that are inclusive of the revised booklets are: (1) a pledge of financial support to the City in the undertaking of the Big Beaver corridor study; (2) an analysis of the I-75 to Crooks Road node; and (3) additional pedestrian improvements to the sidewalk systems and additional amenities.

PUBLIC HEARING OPENED

No one was present to speak.

**Resolution # PC-2003-09-014**

Moved by: Littman

Seconded by: Strat

**RESOLVED**, That the Preliminary Plan for a Planned Unit Development (PUD 3), pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in Section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby tabled to the October 14, 2003 Regular Meeting, for the following reasons:

1. The 35-day period will provide the Planning Department, City Planning Commission, Planning Consultant and the applicant an opportunity to review the revised Planned Unit Development application that was submitted to the City of Troy on September 2, 2003.

Yes: All present (8)

No: None

Absent: Waller (arrived 7:46 p.m.)

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing would remain open for the October 14, 2003 Regular Meeting.

12. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller reported a meeting was held comprising himself, the Planning Consultant, Mr. Savidant and the petitioner, Mr. DiMaggio. Mr. Miller noted that it appears the petitioner may provide another public benefit to bolster the justification of the PUD criteria; in general, it would consist of additional pedestrian and urban design improvements.

Mr. Miller indicated to the petitioner that any information submitted to the Planning Department promptly before the Labor Day weekend would be reviewed and Planning Department and Planning Consultant recommendations would be available for the September 9<sup>th</sup> Public Hearing.

Ms. Lancaster referenced her memorandum attached to the Planning Department's report and stated it is necessary for the petitioner to identify and label each item as listed in the proposal's table of contents so that each item can be referenced as an exhibit for motion purposes.

Mr. Waller stated he hopes that among the efforts of City staff, the Commission and the Planning Consultant, the petitioner has received the message that the PUD documents must be accurately prepared and the proposal submitted as one complete document for approval. He noted it is the petitioner's responsibility to provide an explanation for any information that is not provided.



4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report and reviewed the thirteen items detailed in the Planning Consultant's report as items to be addressed by the petitioner. The petitioner's response to the thirteen items was forwarded to the Commission in their meeting packets. Mr. Miller said the petitioner has moved forward in providing changes and improving the development, but noted the justification of PUD criteria should be expanded upon. It is the recommendation of the Planning Department to table the item.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio said the correspondence dated August 7, 2003 responds to each of the thirteen items identified in the Planning Consultant's report. Mr. DiMaggio distributed and briefly reviewed several exhibits referenced in the August 7<sup>th</sup> letter that were not available at the time of delivery.

Mr. DiMaggio provided an explanation to items that might not have been suitably addressed in the August 7<sup>th</sup> response. Mr. DiMaggio said principles were established for the development of the Wilshire building façade with respect to design and materials. The petitioner is prepared to provide additional refinements and further details of the Wilshire building at the direction of City staff or the Commission.

Mr. DiMaggio stated the valet area has been modified to move the drop-off/pick-up area outside the right of way and within the boundaries of the site. The concern of stacking cars on Wilshire Boulevard has been addressed. Mr. DiMaggio said he is assuming the utility and drainage systems are adequate because the Engineering Department has not indicated otherwise. He noted the Commission's request to add a landscaped parking deck level is beyond economic realities. With respect to a park or open space, Mr. DiMaggio said the project provides urban open spaces (i.e., restaurants, cafes, plaza with benches) that seem more appropriate for the proposed urban development.

Mr. DiMaggio stated it does not appear feasible to suppress the surface parking between Big Beaver and the building for several reasons, noting difficulties with storm water drainage and handicapped accessible parking spaces. Mr. DiMaggio stated the water feature will be provided as indicated in the landscape plan and accompanying narrative dated July 2, 2003. The petitioner is agreeable to landscaping the west side of Wilshire Drive to the extent it is able to secure the necessary approvals from the City and the adjacent private property owner, and further to provide lighting on the gateway signage at the discretion of the Commission and City Management. Mr. DiMaggio said that should the proposed landscaping and beautification of the I-75 ramp in conjunction with MDOT not

happen, the petitioner would make a monetary donation to the City for other landscaping purposes. In addition, Mr. DiMaggio agreed to extend the pedestrian access along Wilshire Drive to the Magna property.

Jim Butler of Professional Engineering Associates was present. A brief discussion was held with respect to the parking lot suppression.

#### PUBLIC HEARING OPENED

No one was present to speak.

There was discussion on the preparation of PUD documents and the petitioner's submission of a more organized format of the entire project description. Ms. Lancaster will provide a list of outstanding items for the proposed PUD.

#### **Resolution # PC-2003-08-003**

Moved by: Kramer

Seconded by: Schultz

**RESOLVED**, That the Preliminary Plan for a Planned Unit Development (PUD 3), pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for discussion at the August 26, 2003 Special/Study Meeting and discussion and Public Hearing at the September 9, 2003 Regular Meeting.

Yes: Kramer, Littman, Schultz, Strat, Vleck, Waller

No: Storrs

Absent: Chamberlain, Wright

#### **MOTION CARRIED**

Mr. Storrs is not in agreement to entertaining the item at another Special/Study Meeting and encouraged the Planning Department and Legal Department to prepare a list of outstanding documents.

Chairman Littman announced that the Public Hearing would remain open for the September 9, 2003 Regular Meeting.

5. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller reported that the most recent Planning Consultant report was received after business hours on Friday, August 1<sup>st</sup>, and copies of the report were provided to the Commission at the beginning of tonight's meeting. Mr. Miller referenced the final two pages of the report and reviewed the itemized comments provided by the Planning Consultant.

Peter Burton and Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, were present.

Mr. DiMaggio confirmed that the Planning Department provided him a copy of the Planning Consultant report, as well as the Planning Department report. Mr. DiMaggio said that, particularly after reading the staff report, he questioned whether they and the City have a shared vision of the proposed development. He reviewed their justifications in meeting the PUD eligibility criteria, and stated full flexibility and accommodation in meeting Planning Commission wishes to get their approval and favorable recommendation to City Council.

Mr. Chamberlain voiced frustration in not receiving the Planning Consultant report in the meeting packet to allow the necessary time to review the report prior tonight's meeting.

Mr. Strat requested the petitioner to provide the specific facts as to why it is not feasible to depress the parking lot as discussed at an earlier meeting; and further to provide cross section sight line views of the development at various elevations.

Mr. DiMaggio suggested meeting with Mr. Strat and the petitioner's project engineer. Chairman Littman advised the petitioner that all discussion on the proposed development should be in the presence of the entire body.

Mr. Burton said he understood the complexities of the project and information transmission. He noted that initial discussion with the City on this proposed development began three years ago. Mr. Burton said that one tenant has been lost because of the time constraints, and asked the best procedure to follow so the information and reports are circulated in a timely manner.

There was discussion on potential action taken by the Commission at their August 12, 2003 Regular Meeting and the completeness of the PUD contract documents. There was general consensus that because outstanding concerns remain with respect to the justifications of PUD eligibility, the project is not ready for preliminary approval action.

Mr. Miller confirmed that the PUD contract documents are prepared after a PUD receives preliminary approval. Mr. Miller suggested that the petitioner provide its material to the Planning Department no later than the Thursday prior to a

scheduled meeting. This allows time for staff to prepare copies for delivery of meeting packets to the Commission on Friday afternoon. Mr. Miller further suggested the best procedure for preliminary review of material is to provide two copies to the Planning Department; one copy would be for review by the Planning Department and another copy would be provided to the Planning Consultant via overnight mail for his review.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant reported that the proposed Sterling Corporate Center PUD is in the process of City inter-departmental and Planning Consultant review. Once reviews from the City departments and the Planning Consultant have been received, the Planning Department will provide a report and recommendation to the Commission.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio said there have been no revisions to the plan since its July 2<sup>nd</sup> submittal and confirmed that communication remains open with the Planning Department.

Mr. Strat asked the petitioner to provide two or three cross sections through the parking, building, and the road to get a sight line of the development at various elevations.

Mr. DiMaggio consented to the request.

5. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant reported the petitioner provided the Planning Department with a new set of plans on Wednesday, July 2, at 3:00 p.m. The Planning Department distributed the material for inter-departmental review and also for review by the Planning Consultant. The new material incorporates the addition of the restaurant building, with associated service drive, valet parking area and removal of the detention basin. After review by City Departments and the Planning Consultant, Mr. Savidant said copies would be circulated to the Planning Commission along with the Planning Department recommendation. It is the recommendation of the Planning Department to table the proposal to the next regular meeting.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio spoke briefly on the consolidation of the material inclusive of all changes and justification of PUD eligibility into one book. Mr. DiMaggio noted the suggestion discussed at the last Planning Commission meeting to lower the parking lot to allow better visibility of the outdoor restaurant is not feasible because of drainage concerns. In an attempt to achieve the same goal, the berm was lowered two feet and the building was elevated one foot. Mr. DiMaggio reported items not included in the new book that were discussed at the last meeting are (1) the window mullions because they principally would not be visible and are not cost effective, and (2) landscaping the roof of the parking deck because its estimated \$3.8 million cost is a cost burden that the project cannot afford to assume.

Mr. DiMaggio requested the Commission's consideration in granting closure of the on-going Public Hearing to provide a clear slate for achieving approval at a future meeting.

Chairman Littman stated the Public Hearing should remain open as long as there are potential revisions to the proposal.

A brief discussion followed with respect to the petitioner's notification of the Planning Department's recommendation to table the proposal at tonight's meeting. It was suggested that the petitioner request the Planning Department to fax communications and reports in addition to mailing them.

Chairman Littman advised the petitioner that when material is submitted at the last moment, it does not provide enough time for City staff to review and takes longer to be placed on the agenda for consideration, often delaying the process up to one month.

**PUBLIC HEARING OPENED**

No one was present to speak.

Chairman Littman announced that the Public Hearing would remain open for the August 12, 2003 Regular Meeting.

**Resolution**

Moved by Chamberlain

Seconded by Wright

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development (PUD 3), pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the August 12, 2003 Regular Meeting, for the following reasons:

1. The petitioner submitted revised plans to the Planning Department on Wednesday, July 2, 2003 at 3:00 p.m. There was not reasonable and sufficient time for City Staff and the Planning Consultant to review the revised plans and provide a professional review and recommendation.
2. The 30-day period will provide City Staff and the Planning Consultant an opportunity to review the submission and determine whether it will meet the Eligibility Criteria of the City of Troy Zoning Ordinance.

A brief discussion followed relating to the intent of the motion on the floor. It was noted that the same conditions as discussed at the June 24, 2003 Special/Study Meeting remain.

**Yeas**

All present (8)

**Absent**

Vleck

**MOTION CARRIED**

8. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Richard Carlisle, Planning Consultant, presented a brief report on the latest revisions to the proposed Sterling Corporate Center PUD. The expansiveness of the parking structure in relationship to the office building and overall site has been a concern from the onset of the project. Mr. Carlisle reported the initial response of the petitioner was to lower the structure by burying one floor and to reduce the footprint. The second modification was the addition of architectural elements on the top of the structure that relate to the office building design. He noted a greater emphasis has been made to the aesthetics of the building material and detailed landscaping. Mr. Carlisle stated that the most dramatic revision is the addition of a building element capable of accommodating a restaurant along Wilshire Boulevard that provides a functional use along the frontage and adds ground level interest to the project. Mr. Carlisle noted that a curb cut off of Wilshire is proposed for use by service vehicles.

Mr. Carlisle summarized that all of the modifications proposed by the petitioner have significantly improved the project and its eligibility as a PUD. The mixed-use nature of the project has been enhanced and the image of the project from eastbound Big Beaver will be greatly improved. Mr. Carlisle complimented the petitioner for the positive action and direction.

There was a brief discussion. The Commission and Planning Department staff requested the petitioner to address the following items.

- Feasibility and cost factor of an enclosed parking structure.
- Deletion of transfer of development rights language within the PUD application, at the request of the Planning Department.
- Feasibility and cost factor of providing a landscaped parking deck roof.
- Landscaping the right of way in conjunction with MDOT and maintenance responsibility.
- Parameters of water feature in terms of scale and size.
- Outdoor public activity area.
- Feasibility of vertical window dividers to create pleasing aesthetics.
- Gateway entrance.
- Parameters of Wilshire Boulevard restaurant.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio stated the set of plans before the Commission tonight is a complete package inclusive of all the changes to the project since its original submission. He confirmed they would delete any reference to transfer of development rights in the application, per the Planning Department request, but noted it was not their intent to propose such.



Mr. DiMaggio stated it is cost prohibitive to landscape the parking deck roof. Mr. DiMaggio reported the exact parameters of the water feature would not be available until a sculptor was hired, and noted the rendering does not capture the size or water projection of the water feature. Mr. DiMaggio stated the basic parameters of the Wilshire Boulevard restaurant are a minimum 9,000 square feet in size, two stories in height, and an outdoor dining area. He noted detailed parameters would be based on the restaurant tenant who is unknown at this time. Mr. DiMaggio confirmed they are continuing to work with the Gateway Committee and the City on achieving a gateway design.

Mr. DiMaggio reported that MDOT has given its conceptual approval with respect to landscaping the right of way, and noted a determination would have to be made with respect to the maintenance responsibility. Mr. DiMaggio stated the west side of the development is privately owned property and would not be landscaped by the petitioner.

Samples of various building materials were circulated by Architect John Barker of Hobbs & Black. It was confirmed that granite is proposed from the third floor down and concrete from the fourth floor up.

A question and answer period followed. The following are suggested revisions and/or items to be further reviewed and addressed.

- Depression of the front parking to create visibility of entrance and water feature.
- Detailed parameters and footprint of restaurant on Wilshire Boulevard.
- Detailed parameters of the water feature and its display during winter months.
- Cost analysis of a landscaped parking deck roof.
- Valet service and traffic circulation with the possibility of street side parking.
- Relocation of parking lot elevator closer to restaurant.
- Illumination of top of building.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller announced that the petitioner did not provide sufficient time for the Planning Department or Planning Consultant to review the updated preliminary plans for the proposed Sterling Corporate Center PUD. Mr. Miller reported that it is the recommendation of the Planning Department to table the item for thirty (30) days.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio agreed with the Planning Department's recommendation to table the item.

Vice Chairman Storrs opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

**Resolution**

Moved by Chamberlain

Seconded by Kramer

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development (PUD 3), pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the July 8, 2003 Regular Meeting, to allow the Planning Department, City Planning Commission, Planning Consultant and petitioner to review, negotiate and develop a Planned Unit Development application which is complete and which will meet the Eligibility Criteria of the City of Troy Zoning Ordinance.

Yeas

All present (7)

Absent

Littman  
Wright

**MOTION CARRIED**

8. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant stated the petitioner met twice with Mr. Miller and the City's Planning Consultant since the May Regular Planning Commission meeting. The petitioner had suggested some revisions to the PUD and wished to discuss them with the Planning Commission.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio presented the revised site plan for the Sterling Corporate Center PUD. The site plan was revised to include a two-story restaurant with rooftop dining, attached to the west side of the parking structure. Mr. DiMaggio presented two alternatives. One alternative is for the parking structure to remain as previously submitted, and the other is to move the parking structure to the east to provide more room for outdoor seating and landscaping. He indicated that it was the preference of Mr. Miller and Mr. Carlisle at their last meeting to move the parking structure to the east to provide additional space for amenities along Wilshire Boulevard.

John Barker, architect from Hobbs & Black, was present. Mr. Barker stated that the materials proposed for the parking structure would be identical to the materials used for the office building.

Mr. Kramer asked if the new restaurant would be accessible from the office building through the parking structure. Mr. DiMaggio responded in the affirmative.

General discussion followed.

Mr. Savidant stated that although the Public Hearing for this item has been tabled to the June 10, 2003 Regular Meeting, the petitioner had not yet submitted updated plans for review. He suggested that the petitioner request to be tabled to a later meeting which would provide the Planning Department and Planning Consultant sufficient time to review the revisions.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed PUD and noted that the petitioner has provided additional information since the item was tabled at the April 8, 2003 Regular Meeting.

The Planning Consultant, Mr. Carlisle, presented a review of his report and noted that it does not incorporate responses to the additional information recently provided by the petitioner. Mr. Carlisle expressed surprise at the high vacancy rate quoted in the current market study, and cautioned the Commission that other office projects may request concessions in the future if the proposed project is approved, built and siphons off some of the office market. Again, Mr. Carlisle cautioned the Commission to be very careful in its consideration of the full impact of the proposed development. Mr. Carlisle stated that, to date, he is not convinced that the attributes offered by the proposed development warrant the additional square footage on the site. In summary, Mr. Carlisle stated it is his opinion that the project is not ready yet for PUD approval, and recommended the item be tabled for further study.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio agreed with Mr. Carlisle's comment that a PUD is a process, not a product, and noted that the process has resulted in meaningful improvements to the proposed development since its original submission. He cited that some improvements suggested by City staff were beyond economic feasibility of the project, and hoped that the City and Commission still believe a good product is being offered. Mr. DiMaggio stated the deed restrictions have not hamstrung the project but allowed development to be possible, citing the construction of a parking structure. Mr. DiMaggio said he does not believe that the proposed Sterling Corporate Center would set a precedent, but would encourage other developers to come before the Planning Commission with proposed PUD projects. He reviewed the recent site improvements, displayed renderings, referenced the comparable building materials, and addressed the proposed water feature. Mr. DiMaggio believes that the current office vacancy rate is not significantly detrimental to the market and noted that there are tenants wanting to take occupancy in the new development. In summary, Mr. DiMaggio stated that tabling the item for 90 days could be problematic and additional time would probably not move the project forward; therefore he asked the Commission for its consideration in approving the project.

Mr. Waller questioned the rendering display of a darkened feature under the canopy and behind the water feature.

Mr. DiMaggio detailed a paver entryway that would establish a different type of atmosphere in front of the building.

Mr. Kramer asked for examples of competitive signature buildings in Troy and specific elements of the proposed development that are above and beyond existing signature buildings.

Mr. DiMaggio replied that Columbia Center, Standard Federal Building, Troy Corporate Center and Somerset Place are examples of competitive signature buildings. He cited specific elements above and beyond comparable signature buildings are the substantial off-site improvements for the City, the proposed traffic improvements and meeting the goals and objectives of the City's Master Plan.

#### PUBLIC HEARING OPENED

No one was present to speak.

Mr. Kramer said he would like to move the project along but personally is looking for those elements that would convince him that the project is above and beyond the quality of other Class A office buildings existing in the City, citing that the Columbia Center is a very high class building constructed of brick and the Standard Federal Building constructed of marble and granite – not concrete as proposed for the subject development. Mr. Kramer said the proposed landscaping in the I-75 off-ramp area could be cited as an attribute but feels that 50 trees do not swing the needle very much.

Mr. Schultz said he views tabling the item tonight as an additional delay.

Mr. Vleck questioned if the project could be developed as an overlay district.

Mr. Miller said if an overlay district existed, it would allow for the creation of a unified development in which parking, intensity of development, storm water detention, and other features could be shared.

Mr. Wright asked for clarification as to why the proposed Sterling Corporate Center PUD does not qualify for the PUD eligibility criteria and the proposed Rochester Commons PUD does.

Mr. Carlisle stated that each PUD project should be considered uniquely. He noted that the Rochester Commons site is truly a blighted piece of property with an abandoned school and a series of substandard houses on the frontage of Big Beaver. In terms of development intensity, Mr. Carlisle believes the proposed Rochester Commons project is less intense than if the site would be developed as office for which it is master planned. Mr. Carlisle said the proposed Rochester Commons project provides a more equally and appropriate transition

between intense commercial and single family to the rear. Mr. Carlisle believes the proposed Rochester Commons project would serve as a catalyst for redevelopment of areas along Big Beaver and Rochester Roads.

Mr. Wright stated that he agrees the proposed Sterling Corporate Center site is not as blighted as the proposed Rochester Commons site, but noted the history of the Sterling Corporate Center site shows it is significantly under-utilized.

Mr. Carlisle clarified that some of the recommendations offered the petitioner are consistent with the existing Columbia Center project and were drawn upon suggestions from the Commission. He clarified that it was suggested to bury a second floor of the parking structure that would then lower the overall profile of the structure. It was further suggested to add more square footage to the office building to offset the cost of burying the second floor of the parking structure.

### **Resolution**

Moved by Kramer

Seconded by Wright

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the June 10, 2003 Regular Meeting, for the following reasons:

1. While the Planning Department, City Planning Consultant, City Management, and the Planning Commission agree that a mid-rise office building is an appropriate use at the subject location, the Planned Unit Development application does not meet the minimum Eligibility criteria of Section 35.30.00.
2. The Planned Unit Development application is incomplete as submitted.
3. The thirty (30) day period will provide the Planning Department, City Planning Consultant, City Management and the Planning Commission and the applicant an opportunity to negotiate and develop a Planned Unit Development application which is complete and which will meet the Eligibility criteria of the City of Troy Zoning Ordinance.

### **Yeas**

All present (7)

### **Absent**

Chamberlain  
Storrs

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing would remain open until the June 10, 2003 Regular Meeting.

10. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller reported that there has not been any additional information submitted by the petitioner.

Mr. Carlisle summarized the considerations that led to his recommendation that the proposed project does not meet PUD requirements. Mr. Carlisle cautioned the City as well as the petitioner that a positive finding must be made that the PUD ordinance criteria are met. He stated that because of the constraints taken on by the petitioner as a result of third party negotiations (i.e., limitation on height of the building, building illumination restrictions to the north and west), he felt constrained in making recommendations. It is Mr. Carlisle's opinion that the difficulties faced by the petitioner relating to the issues of assemblage are not pertinent to the PUD criteria.

Mr. Carlisle believes the economic feasibility of the project has been influenced more by the third party agreements the petitioner entered into than any requirement imposed by the City to date. Mr. Carlisle stated that the history of the Magna property is not relevant to the PUD ordinance. He advised the Commission to be very careful about setting a precedent with respect to allowing increased density based upon the "underutilization" of neighboring property, and noted there are a multitude of properties along Big Beaver that are underutilized. Mr. Carlisle confirmed that the proposed project is of high quality, but noted any "signature" project is expected to be of high quality. He cited Somerset Mall is a high quality, "signature" project that was developed without the benefit of a PUD.

Mr. Wright believes the restrictions on the property are both third party imposed and City imposed. He said that personally he could not see a 3-story building on the site as a "signature" development and even though the proposed project may not meet PUD criteria, he would like to see the project move forward.

Mr. Vleck agreed with Mr. Wright and believes gaining back control of the site leads more credence as to why a PUD is a useful tool.

Mr. Chamberlain said approving the proposed project when it does not meet the PUD ordinance sets precedence, and the proposal should not leave the Planning Commission until all PUD requirements are met.

Mr. Storrs questioned the economic feasibility of placing residential apartments on the top floor of the proposed project.

Mr. Carlisle said he believes there is no market for residential at this particular location.

Mr. Kramer said he does not see one element of the proposed project that makes it any better than most of the other high rise office development along Big Beaver



Road, and noted that he could not at this point approve the project under the PUD ordinance.

Mr. Miller reported that staff reviewed the Big Beaver Road corridor to determine what properties had excess development potential when the City was considering an Overlay Zoning District. He reported that nearly every single piece of property had excess development potential for a variety of reasons. He noted the biggest reason is that developments cannot be maximized if they do not have a parking structure. Mr. Miller questioned if residential development had underused development capacity, could units be transferred? He cautioned the Commission with the direction of allowing transfer of development rights. Mr. Miller stated there is nothing that restricts Magna from developing their site, if the proposed PUD is approved and deed restrictions are amended.

Mr. Carlisle pointed out the distinction between “transfer of development rights” and permitting density bonuses which is allowable under the ordinance for projects possessing exemplary characteristics. He suggested the Commission look at what the existing development density of the property could be under its current zoning versus what is being proposed, and encouraged members to base their determination on the merits of the project and specific measurements under the criteria of the PUD.

Chairman Littman confirmed the item was tabled to the May 13, 2003 Regular Meeting.

11. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21– O-S-C

Mr. Savidant stated the petitioner submitted the application in December 2002 and indicated that negotiations continue with the petitioner. Mr. Savidant noted the Public Hearing has been scheduled per the petitioner's request. The Planning Department's report correlates to the report submitted by the Planning Consultant. Mr. Savidant turned over the floor to Mr. Carlisle, the City's Planning Consultant.

Mr. Carlisle stated that the applicant proposes to build a 13-story office building comprising of 300,869 gross square feet. The building would be served by an attached 5-level parking structure, and noted that one level would be below ground. Mr. Carlisle said the project is located on a 5.91-acre site. The first floor of the building would contain restaurants and a branch bank. Mr. Carlisle noted that other supportive service uses are possible and the upper floors would be devoted to office use.

Mr. Carlisle highlighted some of the changes since the last plan submission. In addition to the new below-ground level of the garage, Mr. Carlisle noted the parking structure was reduced in width to 190 feet. The northeast entrance to the garage was eliminated, resulting in a larger area of open space. Mr. Carlisle reported the office tower has been reduced in size along its east side to permit a larger truck dock and compactor area. He noted that Wilshire Road has been enlarged to include both right and left turn lanes. Mr. Carlisle said other landscape amenities have been provided, and cited Wilshire Drive and the I-75 right-of-way.

Mr. Carlisle confirmed that the critical issue is the necessity for finding by the Planning Commission that this project does constitute a planned unit development and warrants a significant increase of intensity over the O-S-C district. He noted the current zoning would accommodate approximately 177,000 to 180,000 square feet of office space. Mr. Carlisle said the uses proposed would fit within the O-S-C district. Mr. Carlisle said the primary thrust of the applicant's justification for the PUD are factors that are difficult to use as a basis for justification.

Mr. Carlisle said justification provided by the petitioner as building quality and landscaping would normally be provided in a signature building. Mr. Carlisle noted that the traffic improvements are items that are needed because of the impact of the project, not as an additional benefit to the City. Mr. Carlisle said the plan meets portions of the PUD ordinance such as quality development objectives and, to some degree, providing public improvements such as landscaping. Mr. Carlisle said the plan falls short in terms of justification for another 120,000 square feet of building area. Mr. Carlisle said that, in absence

of more specific findings by the Commission, the plan would be a very low bar for many other properties along Big Beaver that wish to simply intensify the use of the property. Mr. Carlisle said there are improvements that can be done, but at this point the plan has not met them. Mr. Carlisle said a recommendation could not be made that the plan warrants meeting the PUD ordinances.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. He said he was appreciative of the Planning Consultant's remarks and being present for the evening meeting. Mr. DiMaggio introduced Peter Burton (President, Burton Katzman), Jim Butler (Professional Engineer Associates), John Barker (Hobbs & Black) and Sergio D'Amico (Sterling Bank).

Mr. DiMaggio focused the presentation on meeting the City's PUD criteria with assistance of visual aids.

Development Quality – Mr. DiMaggio said a quality project would be delivered. It would be a signature office building on a signature site. Mr. DiMaggio said that the site is probably the best office location in metropolitan Detroit and it will compete with the best buildings in Detroit for tenants. Mr. DiMaggio stated that he is working with the Planning Department to put together a materials board so a comparative analysis of the quality and detail for the proposed project can be made with other significant office buildings.

Intent to Meet Master Plan Objectives – Mr. DiMaggio stated that the proposed project is within the Master Plan's defined area. Further, Mr. DiMaggio said that a tax base analysis of three scenarios confirms a tax base generation that would optimize revenue opportunities. The proposed project incorporates other services within the building, such as two signature restaurants, a bank, and other ancillary services, that would comprise anywhere between 20,000 to 40,000 square feet. Mr. DiMaggio said the proposed project would aesthetically integrate into the existing land use pattern.

Optimizing Uses of Office Area – Mr. DiMaggio provided a history of the property's assemblage and a comparison of density for different stages of the property assemblage. He stated that the proposed density remains 77,000 square feet below what could have been developed, and noted that there is a transition to the density. Mr. DiMaggio said there is a transition of uses that make sense as opposed to what could have been developed absent the deed restrictions and absent the PUD.

Mixture of Uses – Mr. DiMaggio acknowledged that all of the proposed uses fall within the zoning classification of O-S-C, but noted the proposed uses would bring life and vitality to the site. Mr. DiMaggio said the pedestrian relationship with Big Beaver Road would be unlike any other that has been established along

that road. Restaurants as well as a fountain in the plaza orient toward Big Beaver.

Public Improvements – Mr. DiMaggio said there is a commitment to provide a gateway treatment for the I-75 interchange, and noted that there is a good indication from MDOT to its cooperation in achieving the gateway that the City envisions once it is further defined. Mr. DiMaggio stated that the proposed plan includes landscaping of Wilshire Boulevard from Big Beaver north to where the road turns and goes westerly to Crooks Road.

Alleviate Traffic Congestion – Mr. DiMaggio confirmed that a traffic study has been completed and reviewed by the City's Traffic Engineer. The Traffic Engineer has indicated agreement with the proposal to make a right-hand turn lane off of Big Beaver on to Wilshire, which results in a widening of the Michigan U-turn on Big Beaver for westbound to eastbound traffic. Mr. DiMaggio said there are a vast number of signal timing changes that have been proposed.

Promote Redevelopment in Elimination of Obsolete Uses – Mr. DiMaggio stated that the site, although surrounded by developed office building of stature, is vacant and is sometimes used for truck storage, cement batching plants, and other temporary, so-called blight uses. Mr. DiMaggio said it is time to bring the valuable, centrally located piece of property to market for a good use.

Provide a Variety of Housing Types – Mr. DiMaggio acknowledged that the proposed project does not meet this criteria.

Overcoming Obstacles in an Assemblage – Mr. DiMaggio referred to the 2.5 years of negotiation with Magna Corporation to overcome several obstacles for the assemblage of the property.

Mr. DiMaggio requested an indication from the Commission that the proposed project meets the PUD criteria, and noted their willingness to continue to work with the Planning Department and Commission on plan details.

Mr. Kramer commented that personally he feels the proposal is a good product and he would like to be provided the details and quality of the development.

Mr. Wright agreed that the proposal appears to be a good product. He said he would like to be provided more detailed items that point toward the PUD ordinance criteria. Mr. Wright noted that the proposed landscaping at I-75 and Wilshire Boulevard is an excellent improvement and gave a thumbs-up on the change in the parking deck.

Mr. Storrs noted his appreciation to the petitioner with respect to the density discussion on the Magna Corporation property. Mr. Storrs noted that same logic could be applied to other parcels in Troy that were not developed to the full

intensity allowed by the ordinance, and stated that the density analogy is out of the equation. Mr. Storrs views the proposal as nearly doubling the density on the property and said that the well-developed proposal is not adequate to justify doubling the density.

Mr. Vleck stated that tonight's presentation clarified to him that the proposal is a good signature product for the City and he would like to see the details and quality of the building materials. Mr. Vleck said the mixed uses contained within the building are definitely a valid argument with respect to the PUD criteria relating to a mixture of uses.

Mr. Waller said he likes what has been presented so far and complimented the substantial steps of progress the petitioner has taken. He recommended the petitioner present the various density numbers in a more user-friendly fashion. Mr. Waller encouraged the petitioner to continue to work with Mr. Sharp and other neighboring residents.

Ms. Pennington complimented the petitioner on an outstanding presentation. She indicated that a look at interior and exterior architectural building materials would steer her final vote. Ms. Pennington recommended that something be put on paper with respect to the City's gateway signage, and further suggested that landscaping be more focused on the exit I-75 ramp next to the property because she feels the proposed landscaping on the I-75 cloverleaf would not be visible by travelers.

Mr. DiMaggio presented a visual board showing a nighttime shot of the building wherein lights would not be visible from the north and west sides.

Chairman Littman responded to the petitioner's ambiguity on the *Mixture of Uses* criteria and stated from his recollection, the criteria was incorporated to promote creative solutions that would otherwise not be allowed in the zoning.

Mr. Schultz thanked the petitioner for his hard work. He stated based on personal feelings the project would be a go, but noted he is not convinced the proposal is applicable to the PUD ordinance. Mr. Schultz said he is not in agreement to turning off lights on a signature building and believes that the amount of lights proposed would not be in conflict with neighboring residents. Mr. Schultz further recommended that the petitioner do something to the top of garage to make it look less like a shoebox and more like an integrated part of the structure.

Mr. Vleck agreed with Ms. Pennington's comments with respect to landscaping the off-ramp area.

PUBLIC HEARING OPENED

Robert Easterly of 908 Emerson, Troy, was present in the capacities of attorney for Wilshire Muer Subdivision, Chairman of the Board for Wilshire Muer Subdivision, and as a representative for both the Washington Square Subdivision and John Sharp. Mr. Easterly gave a brief history of the extensive negotiations with Magna Corporation. He complimented the petitioner and the entire development group for its cooperation and considerations of the subdivisions' concerns. He stated that the two subdivisions and the developers have an agreement that indicates no building erected on parcel 2 shall have any illuminated exterior signage attached to either its northern or western façade. Mr. Easterly said a request has also been made that any lighting in the parking deck would be directed downward. Mr. Easterly requested the petitioner to give consideration to an existing flooding problem in the Wilshire Muer Subdivision, specifically Emerson where it meets Muerknoll in the southwest corner. Mr. Easterly specified that the petitioner has agreed to put \$25,000 worth of landscaping in various corners of the subdivision to improve the development.

Chairman Littman asked for a history of the Magna Corporation deed restrictions.

Mr. Easterly stated Magna Corporation's site plan was very involved and proposed construction of a warehouse and stamping plants. The subdivisions were very much against the proposed plan. The Planning Commission unanimously denied the proposed site plan as submitted. Mr. Easterly said that Magna Corporation then approached the subdivisions with another fairly elaborate proposal of a 3-story building on the entire parcel. Magna agreed to scale back the project and to put in permanent environmental zones, berming and landscaping. The subdivisions were in agreement and the site plan was recorded with the Register of Deeds. Mr. Easterly explained that the petitioner inherited the deed restrictions with the purchase of a portion of the Magna Corporation property. Mr. Easterly confirmed that currently there is limited expansion capability on the part of Magna Corporation.

Mr. Storrs asked what Mr. Easterly thought would be the public benefits to Troy citizens in light of the fact that the proposed plan nearly doubles the density.

Mr. Easterly said the subdivision residents know development of the vacant property is inevitable. Mr. Easterly confirmed that there was a lot of discussion with the petitioner with respect to the building's height, but noted the proposed plan appears to be a quality project. He noted the subdivisions are comfortable with the proposed plan, otherwise they would not have signed off on the deed restrictions.

Howard Littleton of 901 Wilshire Drive #165, Troy, was present to represent American Realty Advisors. American Realty Advisors owns two office properties

at 901 Tower Drive and 901 Wilshire. Mr. Littleton read a letter addressed to Mayor Pryor and signed by Glenn H. Girsberger, Senior Asset Manager of American Realty Advisors, and submitted the letter for filing. The letter is in opposition to the proposed project citing that the new project, in essence, would cannibalize the market and would be a serious detriment to the current landlords within the City. Mr. Littleton clarified the reference to 14.2 million square feet of available space is with respect to the entire market, not just "Class A" office space.

Mr. Vleck questioned if there has been a study on current lease rates and the impact the proposed development would have on other office development.

Mr. Littleton responded that he is certain the petitioner would attempt to attract tenants from outside of the market, and noted the current absorption rate would be affected.

Peter Burton of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. Burton thanked the Commission for the opportunity to present the plan. He said that they have a sense of what the Commission would like and would continue to work with the Planning Department, the administration and the Planning Consultant to bring back an improved product for the next review. Mr. Burton said working together collectively would result ultimately in a project of which everyone would be proud and one that would be an asset to the City of Troy.

Chairman Littman opted to leave the Public Hearing open at this time.

**Resolution**

Moved by Storrs

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby recommended for denial to City Council, for the following reasons:

Mr. Storrs stated the premier development offered by the petitioner is a magnificent development. However, Mr. Storrs believes it is a disservice to the citizens of Troy and to the developer to continue the discussions when the proposed plan nearly doubles the density allowed on the property. Mr. Storrs said the proposed plan offers public benefits but in his mind, the public benefits do not come near to offsetting the amount of density. Mr. Storrs said that there probably is no one present who believes that 16 Mile Road is an underutilized avenue.

**MOTION FAILED** for a lack of a second.

**Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby tabled to the May 13, 2003 Regular Meeting.

**Yeas**

Kramer  
Littman  
Pennington  
Schultz  
Vleck  
Waller  
Wright

**Nays**

Storrs

**Absent**

Chamberlain

**MOTION CARRIED**

Mr. Storrs voted no for the reasons referenced in the previous failed motion.



Mr. Carlisle asked for a general direction in which to proceed with the review process.

Chairman Littman stated the item would be placed on the next study meeting for the opportunity to discuss the project and make a collective determination if the project meets PUD criteria.

A brief discussion followed with respect to suggestions to the petitioner that would assist the Commission with its review.

The Public Hearing remained open.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller confirmed that the Commission is in receipt of the latest rendition of the proposed PUD 3 project, dated March 21. He stated that the plan has not yet been reviewed by the Planning Department or the Planning Consultant, but noted that reports will be completed and ready for the April 8<sup>th</sup> Public Hearing. Mr. Miller reported that the petitioner has submitted written narrative with respect to the value analysis of the proposal, the recent revisions made, and a trip generation report.

Mr. Chamberlain requested that the Planning Director prepare a comparison report with respect to the building materials used in the Columbia Center and the building materials proposed for the PUD project with relation to quality and durability, and that the comparison report be provided to the Commission for the April 8<sup>th</sup> Public Hearing.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present and gave a five-minute presentation. Mr. DiMaggio highlighted the revisions incorporated in the March 21<sup>st</sup> rendition, and specifically noted the changes made to the parking deck. He confirmed that narrative has been submitted with respect to PUD compliance to both the Zoning Ordinances and City management. Mr. DiMaggio provided several design boards that showed work products proposed to be incorporated in the development.

Mr. Vleck asked what the petitioner's expectation is with respect to the approval process and the ensuing time frame involved.

Mr. DiMaggio responded that he expects a recommendation once the Commission is comfortable with the criteria being met and comfortable with the plan itself.

Mr. Miller confirmed that a public informational meeting was held prior to last week's meeting, and noted that only two people from the public sector were present.

Chairman Littman stated that it would be helpful if the petitioner brought in building materials for the Public Hearing.

Mr. Vleck commented that information be provided with respect to the wearability and life expectancy of the proposed building materials.

Ms. Lancaster said it would be helpful if the petitioner provided more detail on the proposed water feature.

Mr. Chamberlain reminded the petitioner that the unique aspect of a PUD project is knowing exactly what is being proposed, and noted that the petitioner cannot make a proposal that a particular feature may or may not be incorporated in the development.

Mr. DiMaggio explained that there are some features and designs of which prospective tenants have not yet made a definitive decision, and asked how this should be handled.

Ms. Lancaster confirmed that a PUD project is presented as a final plan and anything proposed on the plan must be constructed. Ms. Lancaster suggested that items that remain uncertain at the time of presentation be omitted from the plan, and noted that the petitioner can always come back at a later date with revisions.

Mr. Vleck questioned the deed restrictions on the proposed site.

Mr. DiMaggio explained that deed restrictions were on the total 32 acres owned by Magna Corporation, and noted the restrictions were removed from the 3.5 acres purchased from Magna for the proposed project.

Mr. Vleck questioned participation of MDOT with respect to the maintenance of the proposed landscaping throughout the gateway area.

Ms. Lancaster said that the petitioner would be required to submit a letter from MDOT specifying its agreement and the maintenance issue would be negotiated.

Mr. Smith stated that MDOT would most certainly form a partnership with the City with respect to landscaping the gateway area. He noted that management is working on a common theme for landscaping and signage and would like to see some flexibility within the PUD approval process to accommodate this.

A short discussion followed on this topic.

Mr. Storrs questioned the deed restrictions with respect to the overall density on the abutting parcels and the City's legal responsibility.

Mr. Smith explained that the City encouraged Magna Corporation to create the conservation easement, and suggested that the entire site be viewed as if it were an overlay district and the density be viewed in perspective to the overall 32 acres.

The Planning Department was directed to prepare a report on the relationship between the potential build-out of Magna Corporation and the deed restrictions placed on the site.

The Commission also asked the petitioner to provide a detailed listing of documents and dates, and a table of contents.

Mr. Vleck commented favorably on the significant amount of open space that became available by reducing the parking garage.

7. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller stated that the proposed Sterling Corporate Center PUD rendition in front of the Commissioners tonight, dated March 21, 2003, has been distributed to the appropriate City departments and the Planning Consultant for review. At the request of the petitioner and after discussion with City management, a Public Hearing has been scheduled for the April 8, 2003 Regular Meeting. Mr. Miller announced that a public informational meeting was held tonight at 6:00 p.m. and noted attendance was very low.

Mr. Miller reviewed the concerns cited by the Planning Consultant related to the previously submitted rendition, and further noted the Planning Department and Planning Consultant would have their review of the March 21<sup>st</sup> rendition and report ready for the April 8<sup>th</sup> Public Hearing.

Ms. Lancaster confirmed that a Public Hearing can be requested by a petitioner if the petitioner feels he/she is ready to submit the plan before the Commission, and noted that the Planning Commission would not be required to vote on the project if it was the consensus that enough information was not available to make an informed decision.

Mr. Storrs and Mr. Chamberlain agreed there was not enough information available tonight to hold a discussion.

Chairman Littman asked the petitioner to address why he believes the proposed development qualifies as a PUD project.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio stated that he and his firm are not trying to be adversarial with the City with respect to the proposed development. Mr. DiMaggio stated that since its original submission date of December 4, 2002, they have met with the Planning Consultant and City staff to address concerns, and the third rendition presented to the Commission tonight incorporates those concerns. Mr. DiMaggio said the PUD ordinance criteria as well as the administrative criteria specified by the City Manager have been addressed.

Mr. DiMaggio specifically addressed how the proposed project meets the PUD criteria. He stated the proposed project is of a high quality in terms of enhanced landscaping, integration of the parking deck and building, materials, design and developer, as well as perspective tenants. He noted the very distinctive design would be a trademark at the proposed location. Mr. DiMaggio said the proposed project is a mix of office, restaurant and retail uses, and noted the relationship of the two restaurants that open up to outdoor patios that, in turn, open up to an outdoor plaza. Mr. DiMaggio stated that public improvements are being addressed by landscaping the intersection of I-75 and Big Beaver and along Wilshire Boulevard,

as well as incorporating a gateway feature yet to be established. Mr. DiMaggio said it is proposed to alleviate traffic congestion by providing a right-hand turn lane from westbound Big Beaver onto Wilshire and widening the turnaround from westbound Big Beaver to eastbound Big Beaver. Mr. DiMaggio stated that the proposed project would promote the Master Plan goal by providing major office development and a pedestrian relationship between the development and Big Beaver Road is provided.

Mr. Chamberlain requested that the proposed gateway feature be coordinated with both the Gateway Committee and Parks and Recreation. Mr. Chamberlain further stated that the PUD process is a lengthy one and he cannot see how the proposed project could be ready for a Public Hearing in two weeks, especially in light of the fact that the Commission has not had the opportunity to review the most recent rendition.

Mr. Miller asked for direction from the Commission whether it wished to have the newest rendition of the proposed PUD as a part of their April 1, 2003 Special/Study Meeting package, and if so, a request would have to be made to the petitioner to provide the plans in sufficient time for delivery. Mr. Miller again noted that review and final report from the Planning Department and Planning Consultant would not be available until the April 8, 2003 Regular Meeting.

A brief discussion followed with respect to receiving plans for review and discussion at the next meeting.

Ms. Lancaster reminded the Commission that the project is in the negotiation stage and the developer is showing his desire to work with the City. She said it could be very helpful for the Commission to review the latest rendition and discuss it at the next meeting prior to making its recommendation to Council at the Public Hearing.

Chairman Littman requested that the proposed Sterling Corporate Center PUD be placed on the April 1, 2003 Special/Study Meeting and requested the petitioner to provide the Commission with copies of its latest rendition for delivery in their meeting packets.

Mr. DiMaggio said they must demonstrate to prospective occupants that progress is being made with the PUD project; and whether approval is given at the Public Hearing or not, Mr. DiMaggio wishes to demonstrate goodwill in working with the City and bringing the project forward. He appreciated the Assistant City Attorney's words and confirmed they want to work with and receive feedback from City staff and the Commission.

3. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Discussion of Walk-about

Mr. Waller said it was very interesting to view the property from the offices of Doeren Mayhew and noted his appreciation to the host. He stated the property has an interesting flare shape to it that is clearly not rectangular; the road heading to Magna has somewhat of a tilt to the northeast and the down ramp to I-75 has a curl that affects the dimension of the property. Mr. Waller said the applicant is making significant progress on a project that appears to be a favorable one for the City, especially with the potential to add landscaping for the barren curl of I-75 on the northwest quadrant. Mr. Waller hopes that the progress continues and questioned the status of the project at this time.

Mr. Savidant reported that the drawing before the Commission is the latest rendition of the proposed Sterling Corporate Center PUD. Mr. Savidant said that the Planning Department is awaiting comments from various City departments to which the plan has been distributed for review. Mr. Savidant reported that he and Mr. Miller have met with Burton/Katzman representatives and their engineers to discuss some issues with the layout, noting that a lot of the issues have been addressed in the rendition before the Commission tonight. Mr. Savidant stated that discussion on the project has been ongoing with the petitioner and various representatives.

Chairman Littman commented that the plan shows no access to Crooks Road from the proposed development and indicated that he hopes a traffic study will address having access onto and off of Crooks.

Mr. Kramer asked to be enlightened of a conversation during the site visit that he was unable to hear. It related to the elevations and sight lines relative to the parking structure and I-75. Additionally, Mr. Kramer asked for similar comments with respect to the sight lines from the closest residential district to the northwest.

Mr. Savidant, in response to the first part of Mr. Kramer's questions, stated that from I-75 going south, the elevation is approximately 709 feet and the elevation from the top of the parking structure is 736.5 feet. Mr. Savidant said the top of the structure is proposed to be 27.5 feet higher than I-75 (from pavement to the top of the roof).

Mr. DiMaggio, in response to the second part of Mr. Kramer's questions, said that there are no topographical drawings going that far northwest and at this time, he is unable to answer the question. Mr. DiMaggio said he would provide this information to the Commission at a later date.

Mr. Waller applauded the stair-step parking structure because it breaks up the massiveness of the parking structure.

Mr. Schultz questioned if the road surface is the same for both northbound and southbound I-75.

Mr. DiMaggio noted that the deck parking would not be visible from either the northbound or southbound elevation.

Mr. Vleck asked if any revised documentation has been received from the applicant with consideration to how the proposed project qualifies for a PUD development.

Mr. Savidant responded that the Planning Department has received revised documentation based on the ongoing negotiations.

Ms. Lancaster reminded the Commission to pass a resolution to excuse the Commissioners who were not present at the 6:30 p.m. site visit, and further requested that the record reflect that Mayor Matt Pryor, Councilwoman Robin Beltramini, and Frank Borski (host from Doeren Mayhew) were present at the site visit. Ms. Lancaster suggested that a letter be forwarded on behalf of the Planning Commission to Mr. Borski for his hospitality in offering his office as a meeting place for the site visit.

### **Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that Mr. Chamberlain, Ms. Pennington and Mr. Wright be excused from the 6:30 p.m. site visit meeting.

#### Yeas

All present (6)

#### Absent

Chamberlain  
Pennington  
Wright

### **MOTION CARRIED**

Mr. DiMaggio reported that the traffic study has been submitted to the City, and noted that the traffic pattern does include Crooks and Wilshire.

3. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Discussion of Walk-about     *(Walk-about was cancelled due to inclement weather)*

Mr. Miller reported that the Planning Consultant, Dick Carlisle, has initiated the review for the proposed PUD. Mr. Miller referred to the Burton-Katzman letter dated January 21, 2003 distributed to the Commission prior to the beginning of the meeting, and he apologized that the letter was not inclusive with the Sterling Corporate Center booklet that they received in their packets. Mr. Miller noted the Burton-Katzman letter addresses some of the outstanding issues discussed with the Planning Commission, City staff and the Planning Consultant; i.e., gateway treatment, water feature, landscaping, drive-thru banking and architecture. He noted that the Sterling Corporate Center booklet contained a composite aerial photograph, a cross section showing the elevation of I-75 and the parking deck, additional elevations and a lighting plan.

Mr. Miller said that the Planning Department is waiting to receive the report from the Planning Consultant before further review. He announced that Burton-Katzman representative, Charles DiMaggio, is present and would like to present the various changes submitted to the Planning Department.

Chairman Littman stated the reason the Sterling Corporate Center item is on tonight's agenda was to discuss the walk-about. Since the walk-about was cancelled, there is no reason to make a presentation until the Planning Department and Planning Consultant are done with their reviews.

Mr. Charles DiMaggio, Vice President Project Management of Burton-Katzman Development Company, expressed appreciation to the Commission for their intent to do the walk-about. Mr. DiMaggio introduced Randy Book, broker for Cushman and Wakefield; Peter Burton, President and owner of Burton-Katzman; John Barker, project architect with Hobbs & Black, Jim Butler, project engineer with Professional Engineering Associates; Seth Meltzer of Sterling Bank; and Lori Swanson of Tetra Tech.



4. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller commented that the Sterling Corporate Center group has made a presentation to City management regarding the PUD proposal. This evening will include an introduction to the proposal.

Mr. Charles DiMaggio, Vice President of Project Management for Burton Katzman Development Company, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio noted that also present were the architects, John Barker and James Sharba of Hobbs & Black; engineer Jim Butler of PEA Associates; and traffic consultant Lori Swanson of Tetra Tech. Mr. DiMaggio provided a history of the property and confirmed that Sterling Bank is the owner of all of the acreage. Mr. Dimaggio stated that a building of much higher quality is allowed under the PUD ordinance, citing quality materials and superb landscaping.

John Barker, architect for the project, gave a short presentation in relation to the display boards, noting that the architectural firm is delighted to be a part of this endeavor. Mr. Barker stated the site is on the northwest corner of Big Beaver and I-75 and contains 5.9 acres. He said the developer's intention is to create a Class A office building of important magnitude to justify the corner location. Mr. Barker explained that the development proposes a 300,000 square foot, 13-story office building with the opportunity to host a variety of commercial businesses on its first floor, inclusive of Sterling Savings Bank and a potential banquet facility on the 2<sup>nd</sup> floor. Mr. Barker noted that the front entrance would be designed to provide a distinctive and notable signature to the building. A parking deck with 1,129 spaces is proposed to service the building and will emulate the character of the office building. It was noted the proposed number of parking spaces is short of the City's requirement, but the developer will present an analysis as to reasoning for a reduction in spaces.

Discussion followed. The Commission provided the developer with several comments and suggestions.

It was suggested to present the Commission with clear and specific reasons why this development is justifiable under the PUD ordinance. Further, it was suggested that the developer meet with the Planning Department to become familiar with the Commission's desire to create a gateway entrance to the City of Troy and attempt to integrate this concept into the development. Concerns were expressed with the density of the development, the parking deck in terms of size and creativity for other uses and amenities, and snow removal and water drainage from the roof. Further concerns were expressed with the elevation view from eastbound Big Beaver travelers.

Mr. Miller suggested that a close look be taken at the proposed building material to assure its quality will uphold in the future. Also Mr. Miller said time should be

dedicated to the traffic study and suggested that Lori Swanson and John Abraham meet to this respect.

Chairman Chamberlain reminded the Commission that a site visit for this project has been scheduled prior to the next Special/Study Meeting, January 28, at 6:30 p.m.

November 11, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Building and Zoning Director  
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (NOVEMBER 24, 2003)  
ZONING ORDINANCE TEXT AMENDMENT (ZOTA-180) – Articles  
40.57.06, 43.77.00, & 43.80.00 Height Limits for Amateur Radio Antennas

### **RECOMMENDATION**

On August 5, 2002, City Council adopted the following resolution, “Resolved, that City Council direct the Planning Commission to revisit the current ordinance to reconsider a height more in compliance with federal standards for amateur radio transmission devices.” The City Attorney’s Office provided the Planning Commission and City Management an opinion that stated the current zoning ordinance provisions related to amateur radio antenna, including variance procedures, are compliant with federal law (commonly known as PRB-1). However, the Planning Commission prepared a zoning ordinance text amendment to allow minor height increase, limits residential parcels to one ground mounted antenna and expands the standards for amateur radio antenna variances by the Board of Zoning Appeals.

On June 10, 2003, the Planning Commission conducted a public hearing and recommended approval of a zoning ordinance text amendment. City Management requested that the Board of Zoning Appeals review the proposed text amendment. At their September 17, 2003 meeting, the Board of Zoning Appeals discussed the Planning Commission’s proposed amendment; however, a resolution was not adopted.

City Management concurs with the Planning Commission’s recommendation, with a minor clarification. Within Section 40.57.06, City Management is of the opinion that there should be a clarification between maximum building height and the tallest point of a structure. City Management believes that the revision will meet the intent of the Planning Commission.

### **SUMMARY OF TEXT AMENDMENT**

- Allow pole and mast antennas to be of equal height of structure.
- Provide standards for Board of Appeals variances.
- Limit to one ground mounted antenna.

- Variances limited to 5 years initially.
- Board of Zoning Appeals may use the expertise of a radio engineer or amateur radio expert.
- Fall zone of tower and antenna shall be within subject property.

## **BACKGROUND**

The Planning Commission created a committee that included Dennis Kramer, Mark Vleck and Wayne Wright. In addition, Mark Miller, Planning Director, Susan Lancaster, Assistant City Attorney, and Brent Savidant, Principal Planner, provided professional staff support. Because of the high level of interest and involvement of Phil Ode and Murray Scott, both licensed amateur radio operators, they were invited to all of the committee meetings. A volunteer radio communication expert also provided information to the committee. This committee was unable to produce a consensus, and provided three different opinions or directions. These opinions included no revisions necessary, permitted height of approximately 60 feet, and what is ultimately the Planning Commission proposed text amendment.

## **ATTACHMENTS**

1. City Council Resolution
2. ZOTA 180 Planning Commission Version
3. ZOTA 180 City Management Version
4. Planning Commission Minutes
5. Board of Zoning Appeals Minutes
6. Photographs of Amateur Radio Towers and Antennas

---

**G-17 Letter Received from Philip Ode and Response from Mark Stimac – Re: City of Troy's Ordinance Governing Antenna Structures for Amateur Radio Stations**

Resolution #2002-08-457

Moved by Pryor

Seconded by Howrylak

RESOLVED, That City Council direct the Planning Commission to revisit the current ordinance to reconsider a height more in compliance with federal standards for amateur radio transmission devices.

Yes: All-7

# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

## (ZOTA 180)

### Height Limits for Amateur Radio Antennas – Planning Commission Version

Amend the indicated portions of the General Provisions – Nonconformance - Accessory Buildings and Structures and the Board of Zoning Appeals texts in the following manner:

*(Bold text denotes additions and strikethroughs denote deletions)*

40.50.00      NONCONFORMANCE:

40.55.00      ACCESSORY BUILDINGS AND STRUCTURES

40.57.06      No detached accessory building or structure, in any Residential, C-F, B-1, and P-1 District shall exceed one (1) story or fourteen (14) feet in height. Pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts, or to the height of the existing principal structure plus five (5) feet, whichever is greater. Pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Applications for amateur radio antennas that are proposed to be higher than permitted herein shall be reviewed and approved/disapproved by the Board of Zoning Appeals (see Section 43.80.00). Not more than one ground-mounted antenna structure shall be permitted on a residential parcel. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish antennas shall be placed so that rotation can occur without encroachment into the required six (6) foot setback as provided in Section 40.57.05. (Rev. 04-23-01)

(Rev. 5-22-95)

43.00.00      ARTICLE XLIII BOARD OF ZONING APPEALS

43.77.00      AMATEUR RADIO ANTENNA VARIANCES

When considering such requests to modify the height limits of antennas as set forth in Section 40.57.06 of this chapter as they apply to federally licensed amateur radio facilities, the Board may not grant a variance unless it determines the variance is necessary to ensure effective amateur radio communication. Such determination shall be made in accordance with the following:

A.      A determination that the variance is necessary to ensure effective amateur radio communication may only be made if the Board finds:

1. That the strict application of the standards contained within Section 40.57.06 of this chapter would effectively preclude amateur radio communications; and
2. That the resultant amateur radio antenna height reasonably accommodates such communications and represents the minimum practical regulation necessary to protect the health, safety and welfare of the public.

The Board may grant such modifications for any initial period not to exceed five (5) years, with successive modifications for a similar maximum period.

- B. A petitioner for an amateur radio antenna variance shall present a current copy of his/her amateur radio license at the time of application.
- C. At the hearing, the petitioner must present evidence that the need to communicate requires a higher antenna. Such evidence shall include log book entries and other such evidence which document the petitioner's inability to communicate.
- D. The Board of Zoning Appeals may enlist the service of a radio engineer or amateur radio expert to assist in the review of the application and participate in discussion at the Board of Zoning Appeals meeting.
- E. The Board of Zoning Appeals may grant a variance for a height less than the petitioner's request if:
  1. The petitioner fails to provide evidence the height suggested by the Board of Zoning Appeals would not be effective for amateur radio communication, or
  2. The Board of Zoning Appeals finds the evidence presented demonstrates a lesser height is adequate for effective communications.
- F. The Board of Zoning Appeals may place conditions on a height variance, such as but not limited to screening, hours of operation, and location.
- G. The height of the tower, including antenna structure, shall determine the radius of the fall zone within the petitioner's property. The fall zone shall be located entirely within the property lines of the petitioner.
- H. Tower and antenna installation/engineering shall be reviewed and approved by the City of Troy Building Department to ensure that the tower will not be a hazard to the petitioner or abutting properties. Construction documents for the antenna structure, prepared by a registered design professional licensed to do work in the State of Michigan, shall be submitted showing compliance with the loading

requirements of the Michigan Building Code. If the petitioner fails to obtain the approvals required by this subsection, any height variance granted by the Board of Zoning Appeals, after notice and hearing, may be terminated.

43.80.00 MISCELLANEOUS: The Board has the power to:

- A. Consider proposals for accessory buildings and structures, as provided for in Sections 40.57.07 of this Chapter.
- B. ~~The Board of Zoning Appeals may~~ Modify the height limits of antennas as set forth in Section 40.57.06 of this chapter as they apply to federally licensed amateur radio facilities (see Section 43.77.00).~~—When considering such requests the Board shall be required to determine:~~
  - 1. ~~That the strict application of the standards contained within Section 40.57.06 of this chapter would effectively preclude amateur radio communications; and~~
  - 2. ~~That the resultant amateur radio antenna height represents the minimum practical regulation necessary to protect the health, safety and welfare of the public.~~

~~The Board may grant such modifications for any initial period not to exceed five (5) years, with successive modifications for a similar maximum period.~~
- C. Permit temporary buildings for permitted uses for periods not to exceed 2 years, subject to renewal.

(Rev. 5-4-98)



# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

## (ZOTA 180)

### Height Limits for Amateur Radio Antennas – City Management Version

Amend the indicated portions of the General Provisions – Nonconformance - Accessory Buildings and Structures and the Board of Zoning Appeals texts in the following manner:

*(Bold text denotes additions and strikethroughs denote deletions)*

40.50.00      NONCONFORMANCE:

40.55.00      ACCESSORY BUILDINGS AND STRUCTURES

40.57.06      No detached accessory building or structure, in any Residential, C-F, B-1, and P-1 District shall exceed one (1) story or fourteen (14) feet in height. Pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts, or to the height of the tallest point of the existing principal structure plus five (5) feet, whichever is greater. Pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Applications for amateur radio antennas that are proposed to be higher than permitted herein shall be reviewed and approved/disapproved by the Board of Zoning Appeals (see Section 43.80.00). Not more than one ground-mounted antenna structure shall be permitted on a residential parcel. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish antennas shall be placed so that rotation can occur without encroachment into the required six (6) foot setback as provided in Section 40.57.05. (Rev. 04-23-01)

(Rev. 5-22-95)

43.00.00      ARTICLE XLIII BOARD OF ZONING APPEALS

43.77.00      AMATEUR RADIO ANTENNA VARIANCES

When considering such requests to modify the height limits of antennas as set forth in Section 40.57.06 of this chapter as they apply to federally licensed amateur radio facilities, the Board may not grant a variance unless it determines the variance is necessary to ensure effective amateur radio communication. Such determination shall be made in accordance with the following:

A.      A determination that the variance is necessary to ensure effective amateur radio communication may only be made if the Board finds:

1. That the strict application of the standards contained within Section 40.57.06 of this chapter would effectively preclude amateur radio communications; and
2. That the resultant amateur radio antenna height reasonably accommodates such communications and represents the minimum practical regulation necessary to protect the health, safety and welfare of the public.

The Board may grant such modifications for any initial period not to exceed five (5) years, with successive modifications for a similar maximum period.

- B. A petitioner for an amateur radio antenna variance shall present a current copy of his/her amateur radio license at the time of application.
- C. At the hearing, the petitioner must present evidence that the need to communicate requires a higher antenna. Such evidence shall include log book entries and other such evidence which document the petitioner's inability to communicate.
- D. The Board of Zoning Appeals may enlist the service of a radio engineer or amateur radio expert to assist in the review of the application and participate in discussion at the Board of Zoning Appeals meeting.
- E. The Board of Zoning Appeals may grant a variance for a height less than the petitioner's request if:
  1. The petitioner fails to provide evidence the height suggested by the Board of Zoning Appeals would not be effective for amateur radio communication, or
  2. The Board of Zoning Appeals finds the evidence presented demonstrates a lesser height is adequate for effective communications.
- F. The Board of Zoning Appeals may place conditions on a height variance, such as but not limited to screening, hours of operation, and location.
- G. The height of the tower, including antenna structure, shall determine the radius of the fall zone within the petitioner's property. The fall zone shall be located entirely within the property lines of the petitioner.
- H. Tower and antenna installation/engineering shall be reviewed and approved by the City of Troy Building Department to ensure that the tower will not be a hazard to the petitioner or abutting properties. Construction documents for the antenna structure, prepared by a registered design professional licensed to do work in the State of Michigan, shall be submitted showing compliance with the loading

requirements of the Michigan Building Code. If the petitioner fails to obtain the approvals required by this subsection, any height variance granted by the Board of Zoning Appeals, after notice and hearing, may be terminated.

43.80.00 MISCELLANEOUS: The Board has the power to:

- A. Consider proposals for accessory buildings and structures, as provided for in Sections 40.57.07 of this Chapter.
- B. ~~The Board of Zoning Appeals may~~ Modify the height limits of antennas as set forth in Section 40.57.06 of this chapter as they apply to federally licensed amateur radio facilities (see Section 43.77.00).~~—When considering such requests the Board shall be required to determine:~~
  - 1. ~~That the strict application of the standards contained within Section 40.57.06 of this chapter would effectively preclude amateur radio communications; and~~
  - 2. ~~That the resultant amateur radio antenna height represents the minimum practical regulation necessary to protect the health, safety and welfare of the public.~~

~~The Board may grant such modifications for any initial period not to exceed five (5) years, with successive modifications for a similar maximum period.~~
- C. Permit temporary buildings for permitted uses for periods not to exceed 2 years, subject to renewal.

(Rev. 5-4-98)

14. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-180) – Articles 40.57.06, 43.77.00 and 43.80.00 Height Limits for Amateur Radio Antennas

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment.

Mr. Waller suggested that Section 43.77.00 H be amended to include that the Building Department shall create a checklist of criteria appropriate and applicable to the requirement. He also suggested the text be revised to designate that the construction documents for the antenna structure be prepared by a registered engineer or the manufacturer, and to strike the words “design professional licensed to do work in the State of Michigan”.

PUBLIC HEARING OPENED

Phil Ode of 4508 Whisper Way, Troy, was present. Mr. Ode invited everyone to Field Day on June 27 and 28 at Mt. Holly. Mr. Ode acknowledged that the Commission and staff have worked diligently, earnestly and honestly on the amateur radio antenna heights matter. He believes the Commission’s recommendation on the matter is in violation of the FCC Rules, PRB1 and City Council’s request, and noted his disagreement with the Commission’s recommendation. Mr. Ode stated it was his desire to achieve approval on a 75’ antenna support structure that is predominant in the southeastern Michigan area. Mr. Ode reported that a 20-year study on antenna failure reveals the biggest reason for antenna failure is trees falling on an antenna or its support wires. He stated there are very few failures when antenna structures are properly placed according to the manufacturer’s recommendation.

Murray Scott of 3831 Kings Point Drive, Troy, was present. Mr. Scott spoke with respect to required permits, fall zones and a reasonable height of an antenna structure. Mr. Scott noted that a petitioner does not have enough time to make a thorough presentation in front of the BZA.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Kramer

Seconded by

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XL (GENERAL PROVISIONS) of the Zoning Ordinance, be amended as printed and modified this evening per the Planning Commission recommended amendment, dated 04/22/03.

Ms. Lancaster advised the text revision regarding the checklist as suggested by Mr. Waller and discussed by the Commission is not conducive to ordinance language and would be more appropriately handled administratively.

Mr. Kramer withdrew the above motion.

**Resolution**

Moved by Kramer

Seconded by Chamberlain

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XL (GENERAL PROVISIONS) of the Zoning Ordinance, be amended as printed per the Planning Commission recommended amendment, dated 04/22/03.

Yeas

Chamberlain  
Kramer  
Storrs  
Strat  
Waller

Nays

Schultz  
Vleck

Absent

Littman  
Wright

**MOTION CARRIED**

Mr. Schultz voted no because he thinks the Commission has not accomplished the task assigned to it by City Council and that no improvement has been made to the amateur radio enthusiasts.

Mr. Vleck voted no for the following reasons:

- Revised text makes it more difficult and is no improvement to the original ordinance.
- Amateur radio is a very important public service and the City and community should do more to support the people who provide it.
- A higher antenna is aesthetically more pleasing than a short stubby one. The items attached to the main pole or mast of an antenna will be aesthetically more pleasing if raised higher and out of sight. A 25 to 35 foot antenna puts the top mounted attachments of an antenna in direct line of sight of a second story window.
- A higher antenna is less likely to cause interference and reduces Radio Frequency (RF) exposure.
- A minimum antenna height of 40-50 feet should be considered.

### 3. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode referenced the FCC Rule Book with respect to the definition of amateur radio and amateur radio service and the section relating to emergency communication. Mr. Ode spoke briefly on the definition of "effective communication". Mr. Ode noted the higher an antenna is placed, the more interference and radiation are reduced. He stated that not one antenna came down during the recent ice storm. Mr. Ode provided additional information to the Commission for its review in making a decision on amateur radio antennas.

Murray Scott of 3831 Kings Point, Troy, was present to speak. Mr. Scott cited definitions from the Webster dictionary for the words "effective" and "communication", and arrived at a definition for "effective communication" as a means of producing a definite or desired result. Mr. Murray cited the FCC Rule Book, 97.15, Section E, with reference to the height of amateur radio antennas to reasonably accommodate amateur radio service. Mr. Murray circulated information titled "Effective Summary on Antenna Height and Communication Effectiveness", inclusive of an illustration of the take off angle of signals. Mr. Murray gave a brief explanation of signal angles at different frequencies using a dipole.

The tape narrated by Walter Cronkite with respect to amateur radios will be shown at the May 6, 2003 Special/Study Meeting.

Barbara Jackson of 3035 Daley, Troy, was present to speak. Ms. Jackson questioned if the City plans to widen Big Beaver Road westbound from John R to Rochester.

Mr. Miller replied that the ultimate right-of-way has been acquired along Big Beaver Road and he believes it is the City's intent to widen Big Beaver Road to three lanes in the future.

Chairman Littman assured Ms. Jackson that the Traffic Engineering Department would provide her with a more definitive answer.

11. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

Sub-committee Report

Mr. Kramer thanked Messrs. Ode and Scott for their patience and information. He reported that the sub-committee has been unable to reach a conclusion and that each sub-committee member would provide individual reports.

Mr. Kramer circulated and read his report. Mr. Kramer's conclusion is that the Zoning Board of Appeals shall review the evidence that the amateur radio operator presents and based upon that evidence, take a close look at a height variance that may or may not be required to yield effective communications. He noted the ZBA could seek the advice of outside experts to interpret the evidence and make a finding.

Mr. Wright agrees with Mr. Kramer and with the proposed ordinance changes provided by the Planning Department that gives direction to the ZBA in its review process for granting a variance to a ham radio operator. Mr. Wright indicated his observation within one subdivision that has a proliferation of rusty and unsightly antennas and said he would not want an antenna next to his house.

Mr. Vleck believes amateur radio operators provide a very valuable public service. It is his belief that antennas are aesthetically more pleasing if they are placed higher in the air. He said amateur radio operators are required by law not to create over-exposure of radio frequencies, and noted the higher the antenna, the lower the exposure. Mr. Vleck cited two cell towers to compare in height and aesthetics are the northwest corner of Wattles and John R and the southwest corner of Maple and Rochester Roads. Mr. Vleck's definition of "effective communication" is the ability to transmit and receive signals under adverse and emergency situations. Mr. Vleck summarized the differences between his proposed changes to the ordinance and the revisions recommended by the Planning Department.

Ms. Lancaster informed the Commission that "effective communication" is not part of the FCC regulations. She said the term has come through case law, and noted other synonymous terms used in case law are "viable communication" and "successful communication". Ms. Lancaster cited the FCC regulations with respect to height limitation.

Chairman Littman reported briefly on his research of Radio Amateur Civil Emergency Service group (RACES). His understanding is that Lansing wishes to communicate within governmental agencies and there is no plan or desire to use amateur radio home setups as a communications operation. Chairman Littman said the Lansing coordinator indicated to him that in the case of a national emergency, the County would prefer that amateur radio operators not get on the air. Chairman Littman reported that Troy has set up an emergency communication process under

the Fire Chief, and the group is not a part of RACES. The Fire Chief's plan is to have portable units throughout the City to report back to the Troy central location.

Discussion continued relating to fall zones and antenna height standards implemented in other states.

It was the consensus of the Commission to publish for the June 10, 2003 Public Hearing the proposed text revisions as prepared by the Planning Department with one revision. Under Section 43.77.00, item "H" would be incorporated under Section 40.57.06. In addition, one typographical error under item "G", Section 43.77.00 – delete the word "of" in the second line.



### 13. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, stated that groups, such as RACES, MARS, and AIRE, consist of amateur radio operators who communicate from their homes. Mr. Ode spoke briefly on relay patterns, and noted that satellites are still used by amateur radio operators. He confirmed that technology is advancing very rapidly, but stated that amateur radios remain the only communication means that has not failed.

Murray Scott of 3831 Kings Point, Troy, stated that a lot of the new technology has been developed by amateur radio. He referenced the possibility of failure on the part of new technology, i.e., cell phones, and its dependency on amateur radio operators in emergency situations. Mr. Scott spoke briefly with respect to fall zones and referenced a current amateur radio operator who received a permit in 1986 to allow a 120-foot tower.

## 2. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode stated that Troy's emergency coordinator plans to use 64 ham radio operators per shift, which averages to 128 volunteer operators per day, and noted that the City's 911 service has gone down twice. Mr. Ode stated that arguments with respect to antennas falling onto neighboring properties are somewhat discriminatory in relation to light poles, flagpoles, trees and fences. Mr. Ode explained the FCC examination procedure for amateur radio operators. Mr. Ode referenced situations in which amateur radio operators have been of assistance to both the State of Michigan and the City of Troy. He relayed the significance of vanity license plates carrying the call letters of amateur radio operators and the requirement to carry radios in their vehicles for emergency communications.

Mr. Ode believes the Mayor's definition of "effective communication" as "worldwide communication, 24 hours a day, 7 days a week" is more liberal than is realistic. He alluded to being more than happy if he has an antenna "to talk any place in the world some time and all places of the world part of the time."

Mr. Ode said it would be satisfactory and realistic from an operator's perspective to place a minimum of two antennas, and noted that a set height of 75 feet would result in multiple structures of the same height. Mr. Ode circulated material in relation to specific data, radio operation, frequencies, etc. Mr. Ode feels that his air space should not be restricted, just as another does not want his air space violated.

11. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

A discussion was held with respect to the status of the sub-committee's findings and the definition of "effective communication".

Mr. Vleck requested that the sub-committee hold one more meeting, prior to coming before the Commission with its report. Mr. Vleck stated an invitation to the meeting would be extended to Fire Chief Nelson and Police Chief Craft.

Chairman Littman stated that the item would be placed on the April 22<sup>nd</sup> agenda for further discussion.

### 3. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode said that he has discussed emergency communications and amateur radios with Mayor Pryor. The Mayor's concern was communication to Oakland County's Emergency Operations Center (EOC) and to Lansing. Mr. Ode said that it is a direct line of site to the EOC, but Lansing is more difficult. He estimates that Lansing would require a 40-meter band and an approximate 66-foot high antenna. Mr. Ode believes that Washington, D.C. also would require a 40-meter band. Mr. Ode stated that in the event of an emergency, Troy's emergency coordinator plans to use 64 ham radio operators per shift, and noted that if the operators work 12-hour shifts, it would average out to be 128 volunteer operators per day.

Mr. Ode reported that currently amateur radio operators are relaying information and messages to and from troops overseas and family and friends.

Mr. Ode said that the Mayor cited the definition of "effective communication" at the last City Council meeting as "worldwide communication, 24 hours a day, 7 days a week", and has charged the Planning Commission to arrive at its definition of "effective communication" for the next City Council meeting. Mr. Ode offered his assistance to the Commission.

Mr. Miller explained that the City Manager has requested input on the definition of "effective communication" from both the Police Chief and Fire Chief. Chairman Littman reminded the Commission and Mr. Ode that Amateur Radio Antennas is an agenda item for the April 1, 2003 Special/Study Meeting.

Mr. Ode provided the Commission with a compact disc narrated by Walter Cronkite, and noted that one of Mr. Cronkite's statements is "the only means of communication that has never failed is ham radio."

It was determined that the compact disc would be shown to the Commission at the April 1, 2003 Special/Study Meeting.

Mr. Storrs questioned the type of antenna that is needed to communicate to Lansing.

Mr. Ode gave a brief explanation of the horizontal antenna and different frequencies.

## 2. PUBLIC COMMENT

Chairman Littman announced that the Planning Department has placed two "Public Comment" sections on the agenda; one to open the floor for comments on items that are not on the agenda and one at the end of the meeting for the public to comment on items that are on the agenda.

Phil Ode of 4508 Whisper Way, Troy, was present to address amateur radio antennas. Mr. Ode, President of Hazel Park Amateur Radio Club, said there are approximately 60 club members who are residents of Troy. Mr. Ode said a club member who is a relation to the Mayor has communicated that the Mayor sees a need for higher antennas and also believes the City should allow antennas to be erected without any extra hassle (i.e., similar to putting up a fence or flag pole) and with no requirements to go before the BZA or any special expenses.

With respect to the need for effective communications, Mr. Ode cited the State is putting up a 500-foot tower; and the County is putting up a 400-foot tower. Mr. Ode noted that the majority of ham radio operators within this area of the state have 75-foot towers, a height he would like to see the City approve.

Chairman Littman questioned if the 400 and 500-foot towers are being used for the same communications as a radio ham operator.

Mr. Ode responded that the same general frequencies are used, and noted that he can pick up police calls on his radios that have those bands as long as he is within range of the towers.

Chairman Littman then questioned why there is a need for 500-foot towers.

Mr. Ode responded the towers are needed to communicate over the distances. He explained that the height frequencies on which they are generally working (800, 400, or 150 megahertz) are within line of sight.

Chairman Littman asked if the 500-foot towers are dealing with different situations than normal ham radio operators.

Mr. Ode answered yes and no. He said that amateur radio operators would use the same frequency in the event of needed communications within the City. Other frequencies would be used, for example, to talk to Lansing where one would have the ability to talk greater distances on other bands and frequencies. Mr. Ode explained that ham radio operators would be going shorter distances than tower users.

Mr. Ode provided the following facts on amateur radios. During the Gulf War, amateur radios were the only communications in and out of Kuwait. The State of California passed a law allowing antenna heights to 75 feet throughout the state.

The State of New York, after the 9-1-1 tragedy, is pushing for a law to 95 feet. In Washington, D. C., a bill is being proposed to make the height at 70 feet throughout the United States. Washington, D. C. is also looking at overriding land covenants and deed restrictions. Mr. Ode said there are a number of sponsors in support of overriding land covenants and deed restrictions and the prospect looks fairly good at this point, but noted it takes several years to get something like this through. He noted that one was passed in 1999 with respect to satellite dish antennas. Mr. Ode suggested that the Commission also look at the FCC and its restrictions of power levels and communication distances of citizens band radio. He noted the limit for CB antennas is 20 feet and that restricts the talking distance.

Mr. Ode announced that in June, a practice called "Field Day" will be held throughout the United States. The American Radio Relay League, an organization comprising of approximately three million ham radio operators, sponsors "Field Day". Mr. Ode explained that the purpose of "Field Day" is to set up emergency transmitting antennas using emergency power sources and local radios. Then transmit as many communications that passes information of specific nature as possible, and have a contest to see how many people with whom you can make contact. Again, Mr. Ode encouraged the Commission to view the videotape of the Hazel Park Amateur Radio Club that was provided to the City Attorney's office. The tape addresses "Field Day" and community services provided by ham radio operators. Mr. Ode said that typically Hazel Park club members will run approximately 1,500 to 2,000 contacts within a 24-hour period of passing valid information. Mr. Ode cited they have worked with the County on signal emergency testing and had radio operators doing communications for the City and were monitored by the police and fire departments. He noted that both departments were satisfied with the club's capabilities.

Mr. Ode stated that amateur ham radios are not only a hobby, but operators are also responsible to supply emergency communications and other amenities for communities. He said that last year the club supplied communications for the March of Dimes Walk in Troy, and further noted that the club came to the aid of a woman who apparently experienced a heart attack by calling EMS.

Mr. Ode said the club members consist of doctors, engineers, lawyers, and members of the FCC. The club's intent is to become an effective unit for the benefit of everybody.

Mr. Ode said he was told that court cases involving antenna heights of 65 feet or under can easily be defended in today's climate. He said it's becoming more common for the court system to side with amateur radio operators, noting that Sterling Heights just lost a court case.

Mr. Storrs asked what the City of Sterling Heights allows now that they have lost a court case.

Mr. Ode responded that he believes the City of Sterling Heights has not changed its laws, noting that their laws have not been challenged since the case was lost.

Mr. Storrs said he applauds everything the club is doing and their capabilities, and agreed that a lot of the Gulf War soldiers maintained contact with their homes by ham radios. Mr. Storrs questions how the City can come to a reasonable resolution for the resident in a neighborhood who wants to erect a 75-foot antenna and still give consideration to abutting neighbors who are in opposition.

Mr. Ode concluded that he has previously expressed his reasons for this request and noted that an antenna does not appear big when the height is increased. He cited one architectural point of view is that aesthetically an antenna should be three times the height of a house. Mr. Ode said that the City has a law that is unspecific and he hopes everyone can come to an agreement for a workable solution. Mr. Ode said that he is most willing to give the Commission, as a whole or individually, any information they may need.

Chairman Littman commented that the Commission and many residents would welcome more comments on this matter at the Public Hearing.

### 3. PUBLIC COMMENT

Phil Ode, 4508 Whisper Way, Troy, was present to speak with respect to amateur radio antennas. Mr. Ode asked the Commission to give consideration to the series of photographs taken of different types of antennas in and around the City, noting that none of the photographed antennas would be approved under the ordinance amendments as proposed. He feels that one of the problems the Amateur Radio Committee is running into is trying to establish a specific antenna height, which he feels must be done on an individual basis. It is Mr. Ode's opinion that the ordinance should be more generalized with respect to antenna height. Mr. Ode said that the frequency involved would determine the desired height and the range of communications, noting there would be good and bad days for reception. Mr. Ode said that normal conditions would dictate a middle ground of approximately 66 feet and that the norm in the southeastern area of Michigan is 75 feet.

Mr. Ode addressed emergency communications and noted that it has been proven many times that ham radios have been the only communications available in emergency situations. Mr. Ode said a ham radio operator is a government representative who agrees to provide emergency communications, equipment and trained operators in a time of need.

Mr. Ode summarized that the height of an antenna can be argued to great length and recommended the Commission meet in the middle ground. Mr. Ode confirmed he and the ham radio club members would provide full support to the Commission in obtaining changes to the ordinance text.



## 7. SUB-COMMITTEE REPORTS

### Amateur Radio Antenna (ZOTA #180)

Mr. Kramer reported that the committee met prior to this evening's meeting. The committee's conclusion was that a formal summary of the status of the committee's effort would be prepared and presented to the Planning Commission for review and recommendation to City Council. Mr. Kramer expressed that the committee is having difficulty in arriving at a definitive and formal resolution. He explained that the opinion of the committee is somewhat divided between a resolution that, in his opinion, gives rules and guidance to the BZA in terms of the process that they should follow without giving any permanent height definition or expanding the ordinance to a permanent height for the antennas. He noted that the words "effective communications" will remain in the ordinance for the BZA to determine the antenna height, based on the presentation of the petitioners and based on an outside expert's determination of "effective communications".

Mr. Vleck stated that some committee members would be satisfied to keep the ordinance as is and adding text to give additional guidance to the BZA. Mr. Vleck said he is more of the position that the height should be increased that would provide more leniency and a height limitation set. Mr. Vleck believes that the focus should be on defining what is "effective communications" and that the committee should arrive at guidelines and criteria for a determined height. Mr. Vleck said that the committee is debating whether or not the Planning Commission or the BZA should define "effective communications".

Mr. Miller recommended that a report be prepared and presented to the Planning Commission summarizing the committee's studies. At that point, the Planning Commission as a whole can review the matter, make revisions if deemed necessary and determine a recommendation.

Mr. Miller announced that at the request of the Mayor, the Commission is in receipt of a copy of the Resolution passed by City Council at its August 8, 2002 meeting, as follows:

RESOLVED, That City Council direct the Planning Commission to revisit the current ordinance to reconsider a height more in compliance with federal standards for amateur radio transmission devices.

A short discussion followed.

The committee's summary and recommendation will be presented at the next Special/Study Meeting scheduled on March 25, 2003, and April 8 is a tentative public hearing date.

Mr. Miller announced that at the request of the City Manager, he is preparing a status report on this item for the upcoming March 3<sup>rd</sup> City Council meeting.

4. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

Mr. Kramer reported the Sub-committee should address some housekeeping items on the proposed ordinance text.

Mr. Savidant presented comments on the draft text from both the ZBA Attorney and the Director of Building and Zoning. He suggested that their comments needed to be incorporated into the text.

Mr. Vleck believes the committee is not addressing the directive given by Council. His understanding of the Council directive is to increase the height of an antenna so matters relating to antenna heights are not required to go before the Board of Zoning of Appeals. Because the committee has not agreed on increasing the height of an antenna, Mr. Vleck believes the committee should state its reasons why the antenna height cannot be increased.

Discussion followed.

Ms. Lancaster distributed a Federal District Court opinion on ham radios, dated January 3, that she thought the Commission would find of interest. She noted that it appears the City's current ordinance and proposed changes are constitutional. Lancaster cites that the Planning Commission can take into consideration concerns of surrounding neighbors and the impact on aesthetics.

Chairman Littman applauded the committee's work. He stated that the question remains whether an antenna height should be increased.

Mr. Kramer stated his opinion is that any structure higher than other structures in a residential district should go before the BZA, from the standpoint that it is out of character in a residential neighborhood.

Mr. Vleck said he feels the height of an antenna should be increased, noting there is no valid argument that an antenna detracts from aesthetic value of the neighborhood.

It was determined that the committee should continue its study and agreed to meet at 7:00 p.m. on February 25, prior to the scheduled Special/Study Meeting. A tentative public hearing date would be in April.

Ms. Lancaster encouraged members to view the videotape of the Hazel Park Amateur Radio Club that Phil Ode provided to the Planning Department.

Ms. Lancaster and Mr. Savidant agreed to work on bullet points as background information for the proposed text amendments.

## 6. PUBLIC COMMENT

Mr. Murray Scott of 3831 Kings Point, was present to speak about the height limits for amateur radio antennas. On behalf of Phil Ode, Mr. Scott returned documents to the Assistant City Attorney incorporating comments from Mr. Ode. Mr. Scott stated that the committee worked on the proposed ordinance changes based on what they thought Council was requesting. Mr. Scott distributed copies of Mr. Ode's version of how the ordinance should be changed. He noted two considerations for the Commission to think about. (1) Some antennas are longer than 12 feet and are almost impossible to be placed on a roof; and (2) how you would feel if you were the one story house located between two 25-foot story houses with antennas.

## 8. SUB-COMMITTEE REPORTS

- *Gateway*

Mr. Chamberlain announced that the Gateway sub-committee is scheduled to meet tomorrow, January 29, at City Hall in Conference Room D. He reported that Doug Smith has graciously accepted the invitation to join the sub-committee.

- *Amateur Radio Antenna (ZOTA #180)*

Mr. Kramer reported the committee's findings could be ready for discussion at a Special/Study Meeting in late February and a tentative public hearing date in March.

Mr. Savidant reported that the revised language has been sent out to committee members.

Mr. Miller stated that Fire Chief Nelson is a ham radio person himself and has provided the Committee with photographs of a wide variety of antennas.

Mr. Miller will place the proposed text amendment revisions on a February Special/Study Meeting agenda for discussion and will check on the timing for a public hearing in March.

4. HEIGHT LIMITS FOR AMATEUR RADIO ANTENNA (ZOTA #180)

Mr. Savidant stated that City Management has found an expert to discuss amateur radio with the subcommittee. A meeting date is being scheduled. This meeting will probably be scheduled during the daytime and the arrangements will occur this week.

Ms. Lancaster stated she talked with the gentleman that Mr. Miller found and he is willing to do this for free. He has had some other experience in dealing with this issue and the federal law. He had a lot of ideas for both sides.

## 6. PUBLIC COMMENT

Mr. Phil Ode, 4508 Whisper Way, handed out some information on ham radio towers. He stressed that the minimum height for ham radio antennae should be 75 feet. He encouraged the Planning Commission to develop a law that is workable for both the city and ham radio operators.

Bob Schultz, 883 Kirts, discussed examples of cell towers and antennae in surrounding communities.

Mr. Schultz also presented a Traffic Committee Report. He noted that three sidewalk variances were recently granted, one for Hollywood Market and two for single family homes.

Mr. Kramer invited Mr. Ode to participate in a Ham Radio Committee meeting that has yet to be scheduled. He wants Mr. Ode to assist in developing a process whereby the BZA can determine whether an application meets the intent of the FCC in terms of allowing for effective communication.

## 7. HAM RADIO – REPORT STATUS

Mr. Kramer stated that the sub-committee met earlier this evening. There was a general discussion of the issue. One of the topics for discussion was a review of the summary that he had prepared which talked about some the technical issues. There are three (3) different options for discussion. One was keeping the ordinance as it is; two is put a rubber stamp on it at fifty (50) feet; and three, let's look at the guidelines we possibly could send to the BZA as a means to make intelligent decisions in the future. A couple of those that were focused on was possibly adding a City expert's point of view at such time that they would consider a review of the petitioner's technical presentation. If you remember what we are looking at here, is an ordinance that remains as our ordinance is today in line with the FCC's recommendation that we must permit effective communications. At some point there may be a technical requirement or discussion that needs to be investigated or supported by the City. We've made some progress and I suspect in line with those next steps, we have a sub-committee meeting and/or a study session with this entire body where we receive input both from the amateur radio community and other interested parties.

Mr. Chamberlain commented, in other words, you mean your thinking about a Dr. Jaworski for antennas. Is that what you're saying?

Mr. Kramer stated that would be a resource available to the BZA as required. I don't think we would automatically hire a consultant every time a petition came in. We would have a consultant available to review the petitioner's set of circumstances that they put together as to why their current antenna does not allow for proper communication, at that point.

Mr. Chamberlain asked, that could be one of your recommendations?

Mr. Kramer replied, yes.

Mr. Chamberlain stated that Mr. Kramer had commented earlier about having a sub-committee meeting and/or a study session with the entire body, the amateur radio community and other interested parties and that he would like to see all those other folks brought back to the Board. He would like to see that if there are any changes and/or recommendations for no changes, he would like to see the sub-committee bring them in. He does not want to see this whole Board get wrapped around trying to write an ordinance.

Mr. Chamberlain asked the Board if they would like to see this brought back to the Board or rather continue to let the sub-committee work on it more thoroughly and then bring it back. The Board agreed that the sub-committee should proceed as is and then bring it back to the Board when they have it pretty much wrapped up.



8. HEIGHT LIMITS FOR AMATEUR RADIO – ANTENNA (ZOTA #180)

Mr. Miller presented a summary and overview on the situation where a resident was denied a BZA height variance for an antenna. Ham radio operators and the residents asked City Council to relax the height restrictions. City Council then directed the Planning Commission to address the ham radio antenna restrictions.

Susan Lancaster, Assistant City Attorney commented on her legal opinion regarding the legality of the current zoning ordinance in relation to height limits for amateur radio antennas. It was noted that the zoning ordinance is legal.

Mr. Miller stated that there has been numerous documentation submitted to City Council, from Phil Ode, in support of increased heights of amateur radio antennas. City Council requested City Staff to produce a report and that the Planning Commission consider revisions to the zoning ordinance.

Mr. Chamberlain stated he would like Mr. Wright and Mr. Kramer to volunteer in looking further into this issue along with Ms. Lancaster. Mr. Vleck also volunteered to sit on the subcommittee. He also asked Mr. Miller to find a radio engineer to help in analyzing this situation

Philip Ode, 4503 Whisper Way, presented a summary on behalf of radio operators, like himself, regarding radios and the need for an increase in heights in antennas.

**ITEM #7 - con't.**

Mr. Cascianelli then stated that he had brought in a petition with seven (7) additional signatures indicating approval of this request.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are also two (2) written approvals on file and one (1) written objection on file.

Mr. Courtney asked how the depth of the footings would be determined once a Building Permit was issued. Mr. Stimac said that the Building Department would field verify that the footings comply with the Ordinance.

Motion by Hutson  
Supported by Kovacs

MOVED, to grant Ms. Kathleen Casianelli, 2226 Prescott, approval to maintain a gazebo as required by Section 40.57.10 of the Ordinance and to allow this accessory structure to be within 9'-4" of the main structure where a 10' minimum distance is required by Section 40.57.05.

- Structure location is very close to complying with the Ordinance requirements.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a zoning district.
- Conformance to the Ordinance is unnecessarily burdensome as encroachment is minimal.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #8 - PROPOSED ZONING ORDINANCE TEXT AMENDMENT, HEIGHT LIMITS FOR AMATEUR RADIO ANTENNAS.**

Mr. Stimac explained that the Planning Commission has reviewed and proposed changes to the criteria to height limits for amateur radio antennas. Although the Board of Zoning Appeals does not usually review and comment on Zoning Ordinance Text amendments, these changes are specific to the Zoning Board of Appeals criteria for hearing variance for such antennas.

Mr. Stimac also said that the Planning Commission has asked that the Board of Zoning Appeals review these proposals and provide comments as to the effectiveness of these new proposals. Mr. Stimac said that most of the language in Section 43.77 deals with the specific requirements of the Board of Zoning Appeals and is somewhat similar with

**ITEM #8 – con't.**

the current language in 43.80. Mr. Stimac explained that it basically sets out how the Board can go about determining if effective communication would be obtained. Mr. Stimac also said that it requires that the petitioner provide the Board with a current Amateur Radio license, it specifically states that the petitioner must provide evidence that a higher antenna is required for effective communication and it allows the Board of Appeals to enlist the aid of Radio Engineers to help the Board determine the need for a variance request and also allows the Board to grant a lesser variance. Mr. Stimac said that it gives specific powers to the Board as to screening, and hours of operation. Item G has specific requirements for a "fall zone setback, meaning that the height of the antenna must be setback at least the height of the antenna from the property line.

Mr. Maxwell said that a lot of the ordinances and laws are a result of the PRB1 – Limited Preemption from the FCC. Basically the intent is to find a balance between effective communication and health, safety and welfare concerns. PRB1 does not cover covenants, conditions and restrictions contained in deeds, by-laws of homeowner associations or in the regulations of an architectural control committee.

Mr. Maxwell also asked if the maximum height of a residence was 25'. Mr. Stimac said that there are conditions in the R-1A and R-1B districts, where you may actually get a house taller than that, up to 32' under certain circumstances. Mr. Maxwell also said that there have been a number of studies done for effective communication and one of them indicates that it would be 20 meters, and he feels that a height of 30' – 40' would be difficult to defend. Mr. Maxwell also said that besides the "fall-zone" requirement he would like to see an additional setback of 5' – 10' added as part of this requirement.

Mr. Kramer said that this item was referred to the Planning Commission by City Council and the Planning Commission took this task very seriously. Mr. Kramer explained that a sub-committee was formed that consisted of a three (3) person panel, who met at least half a dozen times, and listened to amateur radio operators, the public, professional Radio Frequency consultants and went over a large amount of documentation. Mr. Kramer said that issue comes down to this Board on a case-by-case basis to determine whether or not a variance should be granted. Mr. Kramer also indicated that when you look into the technical aspect of the antennas, the information mushrooms at that point. Mr. Kramer said that one amateur may communicate on a low frequency and another on a very high frequency. Mr. Kramer also said that transmitter power, specific frequency and band also can determine how effective the communication can be. Mr. Kramer said that a requirement for one petitioner may be totally out of context for another. Mr. Kramer indicated that there are many variables, which will determine effective communication. Mr. Kramer further stated that this is a hobby and not a utility although it still helps the public in many instances. Mr. Kramer said that he will take back any comments from the Board to the Planning Commission.

**ITEM #8 – con't.**

Mr. Courtney asked if an antenna that goes up 5' higher than the house would have a different "fall-zone" than an antenna that is mounted to the roof of the house. Mr. Stimac indicated that as written the "fall-zone" is only required on a ground-mounted antenna.

Mr. Courtney asked about Section B, which relates to hiring a consultant to determine the need for a higher antenna. Mr. Hutson said that he feels that if a consultant is hired to help the Board on some issue, the burden of cost of this consultant would fall to the petitioner as part of the application fee. Mr. Hutson also said that he felt this document gives the Board a lot of leeway and was extremely helpful in dealing with these requests on a case-by-case basis.

Mr. Kramer said that when you talk about amateur radio antennas, they are not talking about just the tower, and therefore you must consider any structure on top of the tower for a "fall-zone" requirement.

Mr. Maxwell again stated that he would like to see a setback requirement added to the "fall-zone". Mr. Maxwell said that he is in favor of people pursuing a hobby, however, he felt that the lot for which an antenna was requested should be able to support the height of the antenna. Mr. Courtney asked if Mr. Maxwell wanted the fall-zone setback plus 5' to 10' additional for a setback. Mr. Maxwell indicated that this was correct.

Mr. Kramer said that there are engineering specs that will indicate how the antenna is designed to fail, although not necessarily at the base. Mr. Hutson said that he had seen communication towers that were camouflaged very well and asked if the Planning Commission had considered any type of requirement regarding camouflage. Mr. Kramer said that they had not seen any type of camouflage that would work for these type pf residential towers.

Mr. Kovacs asked if there were "fall-zone" conditions on a flagpole. Mr. Stimac explained that the Ordinance does not have specific requirements regarding flagpoles; however, there are requirements in the Sign Ordinance, which address identification flags. Mr. Stimac also said that the Building Department does recommend to anyone that inquires that a flagpole should be located within a "fall-zone" on their property.

Mr. Maxwell then asked if the Board was satisfied with the height of antennas as proposed by the Planning Commission. The Board agreed with the proposed language. Mr. Maxwell then asked if anyone would agree with him in adding another setback requirement to the fall-zone. Mr. Kovacs said that he felt the fall-zone requirements were sufficient. Mr. Maxwell said that he feels if you are going to have a large antenna you should have a large lot to support it.

Mr. Courtney said that he was more in favor of taller antennas due to the fact that there is less interference with television.

**ITEM #8 – con't.**

Mr. Maxwell asked Mr. Kramer to take the Board's comments back to the Planning Commission. Mr. Courtney said that he would be in favor of adding 5' or 10' to the fall-zone requirement.

Mr. Hutson asked that the Planning Commission be advised that the Board feels that this was very well done.

The Board of Zoning Appeals meeting adjourned at 8:46 P.M.

---

Mark Maxwell, Chairman

  
\_\_\_\_\_  
Pamela Pasternak, Recording Secretary

MS/pp















































November 11, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Building and Zoning Director  
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (NOVEMBER 24, 2003)  
ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00  
Parking Requirements

### **RECOMMENDATION**

The Planning Commission initiated a comprehensive review and revision of the parking requirements contained within the zoning ordinance. On May 13, 2003, the Planning Commission conducted a public hearing and recommended to City Council an amendment to the parking standards. This amendment provides for joint parking, landbank parking and revisions to many of the minimum parking space requirements for specific land uses.

City Management only concurs with the joint parking and landbank parking provisions of the Planning Commission's recommendation. City Management recommends denial of the revised minimum parking space requirements. There is not a demonstrated need to revise these standards. In fact, the proposed amendment does not address specific complaints or problems throughout the City. The proposed amendment will turn most apartment complexes, schools, hospitals and child care centers into non-conforming structures. Non-conforming structures cannot be enlarged or reconstructed if destroyed by 60%, unless the development (including the number of required parking spaces) conforms with Zoning Ordinance regulations or receives approval from the BZA. City Management believes the negative results of the increased parking standards outweigh the positive results, since there is no empirical analysis to justify the proposed increased parking space requirements.

### **BACKGROUND**

The Planning Commission started the review of the parking standards in 2002. During this time frame, the Planning Commission discussed the parking standards at ten Planning Commission meetings. Over that time, Richard Carlisle, the City's Planning Consultant, provided an analysis for the Planning Commission and City Management. Mr. Carlisle's input provided rather detailed language for shared parking and landbank parking provisions. In addition, Mr. Carlisle's analysis regarding minimum parking space requirements was used as a comparison of acceptable municipal standards.

What is important to note is that the City's minimum parking space requirements fall within acceptable municipal standards.

City Management has notified approximately 3,500 non-residential, apartment and condominium property owners of the November 24, 2003 public hearing. This notification ensures that affected property owners are notified and there is sufficient opportunity for public comment regarding the proposed amendment.

#### Attachments

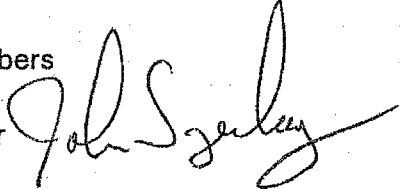
1. City Manager John Szerlag April 1, 2003 Memorandum
2. Off-Street Parking Space Evaluation Matrix
3. ZOTA 198 Planning Commission Version
4. ZOTA 198 City Management Version
5. Carlisle/Wortman January 24, 2003 Memo
6. Carlisle/Wortman February 21, 2003 Memo
7. Planning Commission Minutes

cc: File / ZOTA 198  
Planning Commission

G:\ZOTAs\ZOTA 198 Parking Requirements\Announcement of CC PH ZOTA 198.doc

April 1, 2003

TO: Planning Commission Members

FROM: John Szerlag, City Manager 

SUBJECT: Methodology to Propose Ordinance Changes; in this Case,  
Off-street Parking

As you know, the preponderance of our ordinances are underpinned by health/safety concerns, and community values. As our environment and values change, so too must we calibrate our ordinances. However, these changes must be predicated on solving defined problems or addressing specific community needs. Proposed modifications to the off-street parking ordinance are no exception. Given this, I suggest you provide justification for each of your proposed changes, as I have charged my staff with analyzing/evaluating the rationale for your proposed text amendments.

In my assignment to staff, I've asked them to determine if any empirical analysis has been performed to justify a change in our ordinance. If not, should there be? My concern here is that if we have an ordinance that we don't think adequately addresses a particular circumstance relative to off-street parking, by what measure do we propose another regulation? Staff is also to advise as to whether specific problems are encountered which justifies a change to our ordinance. Additionally, is there a municipal standard from which our requirements substantially deviate? Also, I've asked staff to determine if any contact has been made with property owners that are affected by these changes. As example, was Superintendent of Schools Dr. Jopke advised of proposed changes to parking at public schools? Was Beaumont Hospital Sr. Vice President/Hospital Director Gene Michalski consulted prior to making proposed changes to parking requirements at hospitals? I know Mr. Doug Mossman of the Oakland Mall has a concern regarding mall parking, and I've asked staff to work on this with him.

I've also asked staff to comment on possible unintended consequences that may result from your proposed changes to the ordinance. For example, what is the scope of non-conforming structures that will be created as a result of some of these proposed changes? So too, how many calls have we received from property owners or residents affected by off-street parking indicating a need to change various provisions of our ordinance?



Planning Commission Members

April 1, 2003

Page Two

Should you agree to address proposed text amendments based on solving a defined problem and/or addressing a documented community need, please develop a resolution indicating such. We'll then make your resolution part of the packet of information that goes to City Council when they give a disposition on this matter. Ideally, my plan is to have Council view proposed changes from City Management, Planning Commission, planning consultant, affected property owners, and other comments received before or at the Planning Commission public hearing.

Please feel free to call me should you have any questions.

JS/mr\2003\To Planning Commission Re Off-street Parking

c:     Lori Grigg Bluhm, City Attorney  
        Jan Jopke, Superintendent of Troy School District  
        Susan Lancaster, Assistant City Attorney  
        Eugene Michalski, Sr. Vice President and Hospital Director  
        Mark Miller, Planning Director  
        Doug Mossman, Oakland Mall  
        Gary A. Shripka, Assistant City Manager/Services  
        Doug Smith, Real Estate and Development Director  
        Mark Stimac, Director of Building and Zoning



# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.21.11 One Family Detached</b> Two (2) for each dwelling unit.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.12 One Family Attached</b> Two (2) for each dwelling unit.	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.13 One Family Cluster</b> Two (2) for each dwelling unit.	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.14 Two Family</b> Two (2) for each dwelling unit.	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.15 Multiple Family</b> Two (2) for each dwelling unit.	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>41.21.16 Senior Citizen Housing</b> 0.65 for each unit, and one (1) for each one (1) employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.	<u>One (1) 0.65</u> for each unit, and one (1) for each one (1) employee <u>on the largest working shift.</u> Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.17 Convalescent Homes</b> One (1) for each two (2) beds.	One (1) for each <del>two (2)</del> <u>three (3) beds plus one (1) per employee on the largest working shift.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.18 Mobile Home Park</b> Two (2) for each mobile home site and one (1) for each employee of the mobile home.	Two (2) for each mobile home site and one (1) for each employee of the mobile home park, <u>plus one (1) for each six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.21.21 Religious Worship Facilities</b> One (1) for each three (3) seats or six (6) feet of bench seating in the main unit of worship.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation, and recommends elimination of Section 10.30.04(G).</i>	<i>No change recommended.</i>
<b>40.21.22 Hospital</b> Three (3) for each one (1) bed.	<del>Three (3) for each one (1) bed.</del> <u>Two (2) per bed plus one (1) per emergency room or outpatient examination table or bed plus one (1) per worker on the largest working shift plus one (1) per hospital vehicle.</u>	Two (2) per bed plus one (1) per employee on the largest working shift.	<i>No change recommended.</i>
<b>40.21.23 Nursery Schools and Child Care Centers</b> One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students or children cared for.	One (1) for each one (1) teacher, employee or administrator and one (1) for each <del>ten (10)</del> <u>five (5)</u> students or children cared for.	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.24 Elementary Schools</b> One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium or multi-purpose room.	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children cared for,</u> in addition to the requirements of the auditorium or multi-purpose room.	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children enrolled in an in-school day care program.</u>	<i>No change recommended.</i>
<b>40.21.25 Middle or Junior High Schools</b> One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium or multi-purpose room.	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children cared for,</u> in addition to the requirements of the auditorium or multi-purpose room.	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children enrolled in an in-school day care program.</u>	<i>No change recommended.</i>
<b>40.21.26 Senior High School</b> One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.	One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium, <u>stadium, sports arena or place of assembly, whichever is greater.</u>	One (1) for each one (1) teacher, employee or administrator and one (1) for each <u>five (5)</u> <del>ten (10)</del> students, <del>in addition to the requirements of the auditorium, stadium, sports arena or place of assembly.</del>	<i>No change recommended.</i>
<b>40.21.27 Adult Foster Care Facility</b> Two (2) plus one (1) for each employee.	<del>Two (2)</del> <u>One (1) per four (4) residents plus one (1) for each employee on the largest working shift.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.31.A Restaurant (Dining room)</b>	<i>No change recommended.</i>	<i>Combine Dining Room and Banquet</i>	<i>No change recommended.</i>

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) employee parking space for each ten (10) seats within the seating capacity or one (1) for each thirty-five (35) square feet of dining area, whichever is greater.		<i>facilities into one category:</i> <b>Dining Room / Banquet Room</b> One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) for each employee on the largest working shift <del>employee parking space for each ten (10) seats within the seating capacity or one (1) for each thirty-five (35) square feet of dining area, whichever is greater.</del>	
<b>40.21.31.B Restaurant (Banquet Room)</b> One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) employee parking space for each ten (10) seats within the seating capacity or one (1) for each twenty (20) square feet of banquet area, whichever is greater.	<i>No change recommended.</i>	<i>Combine “Banquet Room” with “Dining Room” use classification, eliminate existing standard for “Banquet Rooms”.</i>	<i>No change recommended.</i>
<b>40.21.31.C Restaurant (Drive- up Facilities)</b> Nine (9) stacking spaces shall be provided for each drive-up station.	<i>No change recommended.</i>	<b>C Fast Food Restaurants Restaurant (Drive-up Facilities)</b> One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) for each employee on the largest working shift, plus nine (9) stacking spaces shall be provided for each drive-up station.	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>New standard for “Bars, Taverns or Nightclubs”, as suggested by Planning Consultant.</b>	<i>No change recommended.</i>	<u>One (1) for each two (2) persons allowed within maximum occupancy as established by local, county or state fire, building or health codes.</u>	<i>No change recommended.</i>
<b>40.21.32 Business Schools Colleges and Trade Schools</b> One (1) for each one (1) student allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.	<i>No change recommended.</i>	<del>One (1) for each one (1) student</del> <u>One (1) for each two (2) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus two (2) spaces for each classroom, laboratory or instruction area.</u>	<i>No change recommended.</i>
<b>40.21 33 Martial Arts and Dance Schools</b> One (1) for each three (3) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.34 Commercial Recreation Facilities</b> One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes OR the required number of parking spaces calculated using the specific requirements of each facility; whichever is greater.	<i>No change recommended.</i>	<u>One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes OR one or more of the following, whichever is greater the required number of parking spaces calculated using the specific requirements of each facility; whichever is greater.</u>	<i>No change recommended.</i>
<b>40.21.34.A Court Type Recreation</b> Two (2) for each person permitted by the capacity of the courts.	<i>No change recommended.</i>	<del>Two (2)</del> <u>One (1) for each two (2) persons permitted by the capacity of the courts, plus one (1) for each employee on the largest working shift, plus requirements for any restaurant use in accordance with Section 40.21.31.</u>	<i>No change recommended.</i>
<b>40.21.34.B Health, Fitness and Athletic Clubs</b> One (1) for each fifty (50) square feet of exercise area, including swimming facilities.	<i>No change recommended.</i>	<u>One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes</u> <del>fifty (50) square feet of exercise area, including swimming facilities, plus</del>	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		<u>requirements for any restaurant use in accordance with Section 40.21.31.</u>	
<b>40.21.34.C Private (Non-profit) Recreation Clubs (Residential Districts)</b> One (1) for each two (2) member families and/or individual members, unless provided in this chapter.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.34.D Stadium, Sports Arena</b> One (1) for each three (3) seats or six (6) feet of bench seating.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.34.E Bowling Alley</b> Five (5) for each one (1) bowling lane.	Five (5) for each one (1) bowling lane, <u>plus requirements for accessory uses.</u>	Five (5) for each one (1) bowling lane, <u>plus requirements for accessory uses.</u> <u>any restaurant use, in accordance with Section 40.21.31.</u>	<i>No change recommended.</i>
<b>40.21.34.F Golf Courses Open to the Public</b> Six (6) for each one (1) golf hole and one (1) for each one (1) employee.	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, <u>plus requirements for accessory uses.</u>	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, <u>plus requirements for accessory uses.</u> <u>any restaurant use, in accordance with Section 40.21.31.</u>	<i>No change recommended.</i>
<b>40.21.34.G Miniature or "Par-3" Golf Courses</b> Three (3) for each one (1) hole plus (1) for each one employee.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.35 Lecture Facilities (Without fixed seats)</b> One (1) for each two (2) seats and one (1) for each one (1) employee.	<i>Add "Auditoriums for and Theaters" to use classification, eliminate existing standard for "Auditoriums for and Theaters"</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.36 Auditoriums and Theaters</b> One (1) for each two (2) seats and one (1) for each one (1) employee.	<i>Eliminate standard (see 40.21.35 above)</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.37 Lodge Halls, Social Clubs and Fraternal Organizations</b> One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. In those areas used for dining room or banquet room purposes, the parking requirements for such use areas shall apply.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.21.41 Retail Store (unless listed below)</b> One (1) for each two hundred (200) square feet of gross floor area.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION																								
<p><b>40.21.42 Shopping Center</b></p> <p>One (1) per 170 square feet of gross floor area, including mall area, service areas and mechanical areas, as measured from the outside face of the exterior walls.</p> <p>When shopping centers have "Places of Assembly" (as defined in Section 04.20.124), the extent of such uses shall be limited by the following table. The "Maximum Percent of Available Parking" to be used for "Places of Assembly" shall be determined in accordance with their individual requirements as provided in the Sections headed by Section 40.21.30.</p> <p><u>Places of Assembly</u></p> <table><tr><th>Maximum size of center in sq. ft.</th><th>Maximum percent of gross floor area</th><th>Maximum percent of available parking</th></tr><tr><td>50,000</td><td>15 %</td><td>50 %</td></tr><tr><td>100,000</td><td>25 %</td><td>50 %</td></tr><tr><td>100,000 +</td><td>20 %</td><td>40 %</td></tr></table> <p>Parking for "Places of Assembly" areas exceeding the maximum percent of gross floor area or the maximum percent of available parking indicated above shall be provided in addition to the parking required for the total shopping center.</p>	Maximum size of center in sq. ft.	Maximum percent of gross floor area	Maximum percent of available parking	50,000	15 %	50 %	100,000	25 %	50 %	100,000 +	20 %	40 %	<p>No change recommended.</p>	<p>A minimum of <del>One</del> (1) per <del>170</del> <u>two hundred (200)</u> square feet of gross floor area, including mall area, service areas and mechanical areas, as measured from the outside face of the exterior walls, <u>not to exceed a maximum of one (1) per one hundred twenty five (125) square feet of gross floor area.</u></p> <p>When shopping centers have "Places of Assembly" (as defined in Section 04.20.124), <u>the parking for such uses shall be in accordance with Section 40.21.30.</u> <del>extent of such uses shall be limited by the following table. The "Maximum Percent of Available Parking" to be used for "Places of Assembly" shall be determined in accordance with their individual requirements as provided in the Sections headed by Section 40.21.30.</del></p> <p><u>Places of Assembly</u></p> <table><tr><th>Maximum size of center in sq. ft.</th><th>Maximum percent of gross floor area</th><th>Maximum percent of available parking</th></tr><tr><td>50,000</td><td>15 %</td><td>50 %</td></tr><tr><td>100,000</td><td>25 %</td><td>50 %</td></tr><tr><td>100,000 +</td><td>20 %</td><td>40 %</td></tr></table> <p>Parking for "Places of Assembly" areas exceeding the maximum percent of gross floor area or the maximum percent of available parking</p>	Maximum size of center in sq. ft.	Maximum percent of gross floor area	Maximum percent of available parking	50,000	15 %	50 %	100,000	25 %	50 %	100,000 +	20 %	40 %	<p>No change recommended.</p>
Maximum size of center in sq. ft.	Maximum percent of gross floor area	Maximum percent of available parking																									
50,000	15 %	50 %																									
100,000	25 %	50 %																									
100,000 +	20 %	40 %																									
Maximum size of center in sq. ft.	Maximum percent of gross floor area	Maximum percent of available parking																									
50,000	15 %	50 %																									
100,000	25 %	50 %																									
100,000 +	20 %	40 %																									

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		<del>indicated above shall be provided in addition to the parking required for the total shopping center.</del>	
<b>40.21.43 Automobile Service Station</b> Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump unit.	<i>No change recommended.</i>	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump unit, and one (1) <u>per one hundred (100) square feet of floor area devoted to retail sales and customer service.</u>	<i>No change recommended.</i>



# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.21.44 Automobile Car Wash</b> One for each one (1) employee. In addition, a stacking lane shall be provided at the rate of five (5) cars for each twenty (20) feet of wash line.	<i>No change recommended.</i>	A. <u>Automatic</u> : One (1) for each <del>one (1)</del> employee <u>on the largest shift and one (1) for each vacuum station</u> . In addition, a stacking lane shall be provided at the rate of five (5) cars for each twenty (20) feet of wash line. B. <u>Self-service</u> : One (1) within each wash stall, one (1) for each vacuum station and one (1) per each employee on the largest shift. In addition, one (1) stacking space per each wash stall shall be provided.	<i>No change recommended.</i>
<b>40.21.45 Automobile Sales and Service</b> One (1) for each two hundred (200) square feet of sales area and one (1) for each one (1) auto service stall in the service area.	<i>No change recommended.</i>	One (1) for each two hundred (200) square feet of sales area and one (1) for each one (1) auto service stall in the service area, <u>plus one (1) for each service vehicle</u> .	<i>No change recommended.</i>
<b>40.21.46 Hair and Beauty Salons including Nail Salons</b> Three (3) for each of the first two (2) chairs and one and one-half (1-1/2) spaces for each additional chair.	<i>No change recommended.</i>	<del>Three (3) for each of the first two (2) chairs and one and one-half (1-1/2) spaces for each additional chair.</del> <u>Two (2) for each chair.</u>	<i>No change recommended.</i>
<b>40.21.47 Furniture, Appliance, and Service Trades</b> One (1) for each one thousand (1000) square feet of gross Showroom and Sales floor area, plus one (1) for each one (1) employee.	<i>No change recommended.</i>	One (1) for each one thousand (1000) square feet of gross Showroom and Sales floor area, plus one (1) for each <del>one (1)</del> employee <u>on the largest working shift</u> .	<i>No change recommended.</i>
<b>40.21.49 Laundromats</b> One (1) for each two (2) washing machines.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.50 Commercial Lodging Establishments</b> For each one (1) occupancy unit plus one (1) for each one employee. In addition parking shall be provided for restaurants, meeting rooms, conference rooms, banquet rooms and other similar assembly hall facilities, in order to accommodate that portion of the seating capacity of such facilities which exceeds the number of occupancy units within the establishment.	<i>No change recommended.</i>	<u>One (1) for each <del>one (1)</del> occupancy unit plus one (1) for each <del>one</del> employee on the largest shift</u> . In addition parking shall be provided for restaurants, <u>banquet rooms and bars</u> , meeting rooms, conference rooms, <del>banquet rooms</del> and other similar assembly hall facilities, <u>in accordance with the standards of</u>	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		<del>Section 40.21.30, in order to accommodate that portion of the seating capacity of such facilities which exceeds the number of occupancy units within the establishment.</del>	
<b>40.21.51 Mortuary Establishments</b> One (1) for each fifty (50) square feet of assembly room and visitation parlor area.	<i>No change recommended.</i>	One (1) for each fifty (50) square feet of assembly room and visitation parlor area, <u>plus one (1) space for each service vehicle kept on the premises.</u>	<i>No change recommended.</i>
<b>40.21.52 Commercial Kennels</b> One (1) for each employee in the largest working shift, plus one (1) for each fifteen (15) animals within the board capacity of the building; or one (1) for each four hundred fifty (450) square feet of gross floor area, whichever is greater.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.53 Building Materials/Garden Supplies</b> <i>(Suggested by Planning Consultant)</i>	<i>No change recommended.</i>	<u>One (1) for each eight hundred (800) square feet of floor area.</u>	<i>No change recommended.</i>
<b>40.21.71 Business and Professional Offices except as otherwise provided in this article.</b> One (1) for each two hundred (200) square feet of usable floor area as provided for in 04.20.63..	<i>Add "Banks and financial institutions" to use classification, eliminate existing standard for "Banks and financial institutions"</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.73 Medical and Dental Offices and similar professions</b> One (1) for each one hundred (100) square feet of usable floor space as provided in Section 04.20.63.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.74 Offices of Engineers, Architects and Landscape Architects (with drafting)</b> One (1) for each one hundred twenty five (125) square feet of usable floor area as provided for in 04.20.63.	<i>No change recommended.</i>	One (1) for each <del>two hundred (200) one hundred twenty five (125)</del> square feet of usable floor area as provided for in 04.20.63.	<i>No change recommended.</i>
<b>40.21.75 Banks and other Financial Institutions</b> One (1) for each one hundred (100) square feet of usable floor area within the customer service/teller area, and one (1) for each two hundred square feet of usable floor area within other office areas.	<i>See "Business and professional offices", Section 40.21.71 above.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>

# **OFF-STREET PARKING SPACE EVALUATION** **CITY OF TROY ZONING ORDINANCE**

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.21.76 Financial Institution Drive-up Facilities</b> Five (5) stacking spaces shall be provided for each drive-up station.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.81 General Industrial</b> One (1) for every four hundred fifty (450) square feet of gross floor area. When the amount of office area exceeds 25% of the gross floor area, the parking requirement for such office area shall be determined in accordance with the applicable portions of Section 40.21.70. The parking requirement for the remainder of the building shall be one (1) space for every five hundred and fifty (550) square feet of gross floor area.	<i>No change recommended.</i>	<del>One (1) for every four hundred fifty (450) square feet of gross floor area. When the amount of office area exceeds 25% of the gross floor area, the parking requirement for such office area shall be determined in accordance with the applicable portions of Section 40.21.70. The parking requirement for the remainder of the building shall be one (1) space for every five hundred and fifty (550) square feet of gross floor area dedicated to industrial use. The parking requirements for all office areas shall be determined in accordance with the applicable portions of Section 40.21.70.</del>	<i>No change recommended.</i>
<b>40.21.82 Wholesale or Warehouse Facilities</b> Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of gross floor space, whichever is greater. In addition, designated unimproved space must be provided on the site, in the event of a change of use.	<i>No change recommended.</i>	Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of gross floor space, whichever is greater. <del>In addition, designated unimproved space must be provided on the site, in the event of a change of use.</del>	<i>No change recommended.</i>
<b>40.21.83 Mini-warehouse or Self-Storage Establishments</b> One (1) space for each seventeen hundred (1700) square feet of gross floor area.	<i>No change recommended.</i>	<del>One (1) space for each seventeen hundred (1700) square feet of gross floor area.</del> <u>One (1) space for each one hundred (100) storage units, plus one (1) for each employee, with a minimum of five (5) parking spaces.</u>	<i>No change recommended.</i>

**OFF-STREET PARKING SPACE EVALUATION**  
**CITY OF TROY ZONING ORDINANCE**

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.20.02</b> Off-street parking for uses in all Zoning Districts, with the exception of M-1 Districts, shall be on the same lot as the use or building served by the parking, or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant.	<del>Off-street parking for uses in all Zoning Districts, with the exception of M-1 Districts, shall be on the same lot as the use or building served by the parking, or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant,</del> <u>unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.</u>	<del>Off-street parking for uses in all Zoning Districts, with the exception of M-1 Districts, shall be on the same lot as the use or building served by the parking, or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant,</del> <u>unless joint parking with abutting properties and uses is provided, in accordance with Section 40.20.07.</u>	<i>Planning Commission recommendation.</i>
<b>40.20.04</b> Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.	Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, <u>or unless that use conforms to paragraph 40.20.13.</u>	<i>Planning Consultant agrees with recommendation.</i>	<i>No change recommended.</i>
<b>40.20.05</b> Off-street parking existing at the effective date of Ordinance 23, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.	<del>Existing off-street parking existing at the effective date of Ordinance 23,</del> in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.	<i>Planning Consultant did not comment on this provision.</i>	<i>No change recommended.</i>

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.20.07</b> In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.	<u>The sharing of joint parking areas between adjacent properties and uses shall be permitted.</u> In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval <del>the Board of Appeals may grant an exception.</del> <u>A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.</u>	<u>The sharing of joint parking areas between adjacent properties and uses shall be permitted, with the exception of parcels that are separated by a major thoroughfare as identified on the City of Troy Transportation Plan.</u> In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval <del>the Board of Appeals may grant an exception.</del> <u>A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.</u>	<i>Planning Consultant recommendation.</i>
<b>40.20.11</b> <i>(This section does not presently exist)</i>	<u>Off-street parking areas shall be designed to provide for the removal and storage of snow.</u>	<i>Planning Consultant agrees with recommendation.</i>	<i>No change recommended.</i>

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
40.20.12 (This section does not presently exist)	<p><i>Agrees with Planning Consultant. In addition add the following:</i></p> <p>G. <u>For applications that require the development of new parking spaces under Section 40.20.01, such landbanked parking shall be approved by the Planning Commission as a condition of site plan approval.</u></p> <p>H. <u>Approvals for the voluntary landbanking of existing underutilized parking spaces shall be granted by the Planning Commission.</u></p>	<p><u>The city recognizes that, due to the specific requirements of any given development, application of the parking standards may result in development with parking in excess of what is needed. The result may lead to excessive paving and stormwater runoff and reduction of area which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:</u></p> <p>A. <u>Nature of use. The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.</u></p>	<p><i>Planning Commission recommendation.</i></p>

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
40.20.13 (CONT.)		<p>B. <u>Allocation of square footage.</u> The allocation of square footage to and among uses, including the anticipation of long term parking (e.g. grocery or movie theater uses), short term parking (e.g. dry cleaners), and/or the absence of parking for some portion of the use (e.g. drive-through use).</p> <p>C. <u>Impact.</u></p> <p>(1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.</p>	

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		<p>(2)      <u>The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all such spaces, taking into consideration accepted planning principles.</u></p> <p><u>D. Other specific reasons which are identified in the official minutes of the Planning Commission.</u></p>	



OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		<p><u>The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.</u></p> <p><u>The Planning Commission may permit landbanked parking with the provision of a landscaped area. Twenty five (25) percent of the total required parking spaces may be landbanked, subject to the following conditions and findings:</u></p> <p><u>A. The minimum number of parking spaces required by Section 40.21.01 is forty (40) spaces or greater.</u></p> <p><u>B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.</u></p>	

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		<p><u>C.</u> The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.</p> <p><u>D.</u> The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.</p> <p><u>E.</u> The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00, Land Use Buffers and Landscaping, of this Chapter.</p>	

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		F. <u>The landscaped landbanked parking area thus provided shall be in addition to any landscaped areas required by other provisions of this Chapter.</u>	

# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

## (ZOTA 198)

### General Provisions – Parking Requirements – Planning Commission Version

Amend the indicated portions of the General Provisions Parking Requirements text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

40.00.00      ARTICLE XL                      GENERAL PROVISIONS

40.20.00      PARKING REQUIREMENTS:

40.20.02      Off-street parking for uses in all Zoning Districts, ~~with the exception of M-1 Districts,~~ shall be on the same lot as the use or building served by the parking, ~~or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant, unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.~~

(Rev. 7-11-94)

40.20.04      Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, or unless that use conforms to paragraph 40.20.13.

40.20.05      Existing off-street parking ~~existing at the effective date of Ordinance 23,~~ in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

40.20.07      The sharing of joint parking areas between adjacent properties and uses shall be permitted. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval the Board of Appeals may grant an exception. A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.

40.20.11      Off-street parking areas shall be designed to provide for removal and storage of snow.

40.20.12      The city recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with parking in excess of what is needed. The result may lead to excessive paving and stormwater runoff and reduction of area which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be

based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:

- A. Nature of use. The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.
- B. Allocation of square footage. The allocation of square footage to and among uses, including the anticipation of long term parking (e.g. grocery or movie theater uses), short term parking (e.g. dry cleaners), and/or the absence of parking for some portion of the use (e.g. drive-through use).
- C. Impact.
  - (1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.
  - (2) The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all such spaces, taking into consideration accepted planning principles.
- D. Other specific reasons which are identified in the official minutes of the Planning Commission. The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.

#### 40.20.13

The Planning Commission may permit landbanked parking with the provision of a landscaped area. Twenty five (25) percent of the total required parking spaces may be landbanked, subject to the following conditions and findings:

- A. The minimum number of parking spaces required by Section 40.21.01 is forty (40) spaces or greater.
- B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C. The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
- D. The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00, Land Use Buffers and Landscaping, of this Chapter.

- F.     The landscaped landbanked parking area thus provided shall be in addition to any landscaped areas required by other provisions of this Chapter.
- G.     For applications that require the development of new parking spaces under Section 40.20.01, such landbanked parking shall be approved by the Planning Commission as a condition of site plan approval.
- H.     Approvals for the voluntary landbanking of existing underutilized parking spaces shall be granted by the Planning Commission.

<u>USE</u>	<u>PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
40.21.12     One Family Attached	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>
40.21.13     One Family Cluster	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>
40.21.14     Two Family	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>
40.21.15     Multiple Family	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>
40.21.16     Senior Citizen Housing	<u>One (1) 0.65 for each unit, and one (1) for each one (1) employee on the largest working shift.</u> Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.
40.21.17     Convalescent Homes	One (1) for each <del>two (2)</del> <u>three (3) beds plus one (1) per employee on the largest working shift.</u>
40.21.18     Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park, <u>plus one (1) for each six (6) required spaces for guest parking.</u>
40.21.22     Hospital	<del>Three (3) for each one (1) bed.</del> <u>Two (2) per bed plus one (1) per emergency room or outpatient examination table or bed plus one (1) per worker on the largest working shift plus one (1) per hospital vehicle.</u>

40.21.23	Nursery Schools and Child Care Centers	One (1) for each one (1) teacher, employee or administrator and one (1) for each <del>ten</del> <u>five (5)</u> students or children cared for.
40.21.24	Elementary Schools	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children cared for,</u> in addition to the requirements of the auditorium or multi-purpose room.
40.21.25	Middle or Junior High Schools	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children cared for,</u> in addition to the requirements of the auditorium or multi-purpose room.
40.21.26	Senior High School	One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium, <u>stadium, sports arena or place of assembly, whichever is greater.</u>
40.21.27	Adult Foster Care Facility	<del>Two (2)</del> <u>One (1) per four (4) residents plus one (1) for each employee on the largest working shift.</u>
40.21.34	Commercial Recreation Facilities	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
-- Or --		
One or more of the following; whichever is greater		
E)	Bowling Alley	Five (5) for each one (1) bowling lane, <u>plus requirements for accessory uses.</u>
F)	Golf Courses Open to the public	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, <u>plus requirements for accessory uses.</u>
40.21.35	Lecture Facilities (Without fixed seats), <u>Auditoriums and Theaters.</u>	One (1) for each two (2) seats and one (1) for each one (1) employee.

40.21.36	Auditoriums and for Theaters	One (1) for each two (2) seats and one (1) <del>each one (1) employee.</del>
40.21.71	Business and Professional Offices, <u>including banks and financial institutions,</u> except as otherwise provided in this article.	One (1) for each two hundred (200) square square feet of usable floor area, as indicated in Section 04.20.63
40.21.75	<del>Banks and other Financial Institutions</del>	<del>One (1) for each one hundred (100) square feet of usable floor area within the customer service/teller area, and one (1) for each two hundred square feet of usable floor area within other office areas.</del>

G:\ZOTAs\ZOTA 198 Parking Requirements\Parking requirements prop text amend pc version.doc



# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

(ZOTA 198)

## General Provisions – Parking Requirements – City Management Version

Amend the indicated portions of the General Provisions Parking Requirements text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

40.00.00      ARTICLE XL                      GENERAL PROVISIONS

40.20.00      PARKING REQUIREMENTS:

40.20.02      Off-street parking for uses in all Zoning Districts, ~~with the exception of M-1 Districts,~~ shall be on the same lot as the use or building served by the parking, ~~or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant, unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.~~

(Rev. 7-11-94)

40.20.04      Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, or unless that use conforms to paragraph 40.20.13.

40.20.05      Existing off-street parking ~~existing at the effective date of Ordinance 23,~~ in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

40.20.07      The sharing of joint parking areas between adjacent properties and uses shall be permitted. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval the Board of Appeals may grant an exception. A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.

40.20.11      Off-street parking areas shall be designed to provide for removal and storage of snow.

40.20.12      The city recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with parking in excess of what is needed. The result may lead to excessive paving and stormwater runoff and reduction of area which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be

based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:

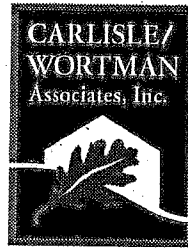
- A. Nature of use. The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.
- B. Allocation of square footage. The allocation of square footage to and among uses, including the anticipation of long term parking (e.g. grocery or movie theater uses), short term parking (e.g. dry cleaners), and/or the absence of parking for some portion of the use (e.g. drive-through use).
- C. Impact.
  - (1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.
  - (2) The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all such spaces, taking into consideration accepted planning principles.
- D. Other specific reasons which are identified in the official minutes of the Planning Commission. The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.

40.20.13 The Planning Commission may permit landbanked parking with the provision of a landscaped area. Twenty five (25) percent of the total required parking spaces may be landbanked, subject to the following conditions and findings:

- A. The minimum number of parking spaces required by Section 40.21.01 is forty (40) spaces or greater.
- B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C. The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
- D. The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00, Land Use Buffers and Landscaping, of this Chapter.

- F.     The landscaped landbanked parking area thus provided shall be in addition to any landscaped areas required by other provisions of this Chapter.
- G.     For applications that require the development of new parking spaces under Section 40.20.01, such landbanked parking shall be approved by the Planning Commission as a condition of site plan approval.
- H.     Approvals for the voluntary landbanking of existing underutilized parking spaces shall be granted by the Planning Commission.

G:\ZOTAs\ZOTA 198 Parking Requirements\Parking requirements prop text amend City Mgt version.doc



*Community Planners  
Landscape Architects*

REC'D

JAN 29 2003

PLANNING DEPT.

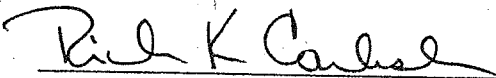
**MEMORANDUM**

**TO:** Mark Miller, Planning Director  
**FROM:** Richard K. Carlisle  
**DATE:** January 24, 2003  
**RE:** Review of Planning Commission Off-Street Parking Recommendations

In response to the request of the City Manager, I have had an opportunity to review the recommendations of the Planning Commission regarding Off-Street Parking requirements. This is the first of two reports. Due to the time constraint, I will finish my analysis with a review and recommendations of Off-Street Parking not covered by the Planning Commission's work.

In the course of preparing my analysis, I have drawn on a number of sources in addition to my own experience. The Institute of Transportation Engineers (ITE) publishes a parking generation manual, similar to the trip generation manual. We have also consulted a publication entitled "Off-Street Parking Requirements" (American Planning Association) which, although dated, also provides useful information."

I look forward to further discussions with you, the Planning Commission, and City Staff.

  
**CARLISLE/WORTMAN ASSOC., INC.**  
Richard K. Carlisle, PCP, AICP

RKC:ss

# 225-05-2301

cc: John Szerlag, City Manager  
Planning Commission

## Review of Planning Commission Recommendations

---

**Section 40.20.02** – Planning Commission recommends eliminating this subsection.

Carlisle/Wortman Associates believes there are values in retaining this Section in a modified form, particularly in light of proposed revisions to Section 40.20.07 and addition to new Section 40.20.13.

*Suggested language:*

**40.20.02** Off-street parking for uses in all Zoning Districts, ~~with the exception of M-1 Districts, shall be on the same lot as the use or building served by the parking, or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant. , unless joint parking with abutting properties and uses is provided, in accordance with in Section 40.20.07.~~

**Section 40.20.04** - Carlisle/Wortman Associates agrees with additional language proposed by the Chair.

**Section 40.20.07** – Planning Commission recommends that the consideration of joint parking be a matter of site plan review. We believe this recommendation is both reasonable and appropriate. Parking is related to the overall functioning of a site and can affect other site elements (i.e., loading, access, etc.). However, Carlisle/Wortman Associates recommends joint parking agreements be reviewed and approved by the City Attorney's office. We have incorporated our recommendations below.

*Suggested language:*

**40.20.07** The sharing of joint parking areas between adjacent properties and uses shall be permitted. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval the Board of Appeals may grant an exception. A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed by the parties sharing the parking.

**Section 40.20.11** – Carlisle/Wortman Associates agrees with Planning Commission recommendation. While the requirement may seem a bit stringent, the new Section 40.20.13 would permit modification where no good purpose would be served. The only minor suggestion we may have is to strike the word “strategically.” The balance of the sentence is sufficient to get the point across.

**Section 40.20.12** – Carlisle/Wortman Associates agrees this is both a reasonable and necessary addition.

**Section 40.20.13** – Planning Commission recommends a landbanking provision. Carlisle/Wortman Associates is very much in favor of this idea. Landbanking usually occurs because off-street parking requirements do not adequately reflect the specific characteristics of a use. The result is too much parking and pavement, more runoff, and less green space.

Carlisle/Wortman Associates suggests additional language is needed to better explain the intent and purpose of permitting such flexibility.

*Suggested language:*

**40.20.13** The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with parking in excess of what which is needed. The result may lead to excessive paving and stormwater runoff and the reduction of space which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:

A. *Nature of use.* The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.

B. *Allocation of square footage.* The allocation of square footage to and among uses, including the anticipation of long term parking (e.g., grocery or movie theater uses), short-term parking (e.g., dry-cleaner use), and/or the absence of parking for some portion of the use (e.g., drive-through use).

C. *Impact.*

(1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.

(2) The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all of such spaces, taking into consideration accepted planning principles.

D. Other specific reasons which are identified in the official minutes of the Planning Commission.

The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.

The Planning Commission may permit landbanked parking with the provision of a landscaped area. No more than twenty-five (25) percent of the total parking required parking spaces may be landbanked, subject to the following conditions and findings:

- A. The minimum number parking spaces required by Section 40.21.01 is forty (40) spaces or greater.
- B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C. The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
- D. The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00 of this Chapter.
- F. The landscaped landbanked parking area thus provided shall be in addition to the required by the other provisions of this Chapter.

**Section 40.21.14** – The Chair has suggested adding a new Section. With modifications to 40.20.07 and 40.20.13, we do not believe this new Section is needed.

**Section 40.21.15 Multiple Family** - Carlisle/Wortman Associates agrees. Planning Commission recommendation is consistent with other communities and will provide for sufficient guest parking.

**Section 40.21.16 Senior Citizen Housing** - Carlisle/Wortman Associates agrees with Planning Commission recommendation.

**Section 40.21.17 Convalescent Homes** - Carlisle/Wortman Associates agrees with Planning Commission recommendation. Proposal agreement is consistent with ITE studies.

**Section 40.21.18 Mobile Home Park** - Carlisle/Wortman Associates agrees with Planning Commission recommendation, but would caution that any standard more stringent than the State Mobile Home Code requires approval from the Michigan Manufactured Housing Commission. Proposed standard is more stringent.

**Section 40.21.22 Hospitals** - The Planning Commission recommendation is too complex. Furthermore, it has been our experience that the dynamics of hospitals are such that the number of exam rooms, tables, employees and vehicles can be constantly changing. We also believe the Planning Commission recommendations would result in an excessive amount of parking.

Carlisle/Wortman Associates recommends a more simple formula based on beds and employees.

*Suggested language:*

Two (2) per bed plus one (1) per employee on the largest working shift.

**Section 40.21.23 Nursery Schools and Child Care Centers** - Carlisle/Wortman Associates agrees with Planning Commission recommendation. Proposed amendment is a standard we have consistently used elsewhere and it seems to work.

**Section 40.21.24 Elementary Schools** - Carlisle/Wortman Associates agrees with a portion of the Planning Commission recommendations. Adding the requirement for spaces per student is appropriate but retaining the requirement for parking for the auditorium or multi-purpose room will result in an excessive amount of parking. Typically, these facilities are used during school hours for a school function. We also believe that phrases "children cared for" needs clarification. We assume this is intended for in-school day care.

*CWA Suggested language:*

**40.21.21 Elementary Schools**

One (1) for each one (1) teacher, employee or administrator, plus one (1) for each ten (10) students or children cared for, in addition to the requirements of the auditorium or multi-purpose room. enrolled in an in-school day care program.



**Section 40.21.25 Middle or Junior High Schools** - Same comments as above.

*CWA Suggested language:*

**40.21.25 Middle or Junior High School**

One (1) for each one (1) teacher, employee or administrator, plus one (1) for each ten (10) students or children cared for, in addition to the requirements of the auditorium or multi-purpose room, enrolled in an in-school day care program.

**Section 40.21.26 Senior High Schools** – Carlisle/Wortman Associates comments are basically the same; although, we believe the space per student should be more stringent. It appears that by their junior year, the majority of students drive to school.

*CWA Suggested language:*

**40.21.26 Senior High Schools**

One (1) for each one (1) teacher, employee or administrator, plus one (1) for each ~~ten (10)~~ five (5) students ~~in addition to the requirements of the auditorium, stadium, sports area or place of assembly.~~

**Section 40.21.27 Adult Foster Care Facility** – Carlisle/Wortman Associates agrees with Planning Commission recommendations.

**Section 40.21.34 Commercial Recreation Facilities** – Carlisle/Wortman Associates would recommend clarification of what constitutes “accessory uses.” Within bowling alleys and golf courses, restaurants and taverns\* generate additional parking demand. Frequently, such facilities attract patrons that are neither bowling nor golfing. Therefore, such uses cease to be accessory.

*CWA Suggested language:*

**40.21.34 Commercial Recreation Facilities**

One (1) for each three (3) person allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

**- Or -**

*\* We will be recommending a standard for taverns, bars and lounges.*

One or more of the following; whichever is greater.

E) Bowling Alley

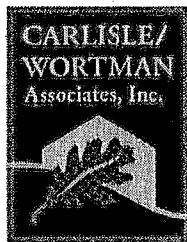
Five (5) for each one (1) bowling lane, plus requirements for ~~aecessory~~—uses any restaurant, use in accordance with Section 40.21.31.

F) Golf Course/Open to Public

Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus requirements for ~~aecessory~~—uses any restaurant, use in accordance with Section 40.21.31.

**Section 40.21.35 Lecture Facilities, et. al.** – Carlisle/Wortman Associates agrees with consolidating language.

**Section 40.21.71 Business and Professional Offices including Banks and Financial Institutions** – Carlisle/Wortman Associates aggress with proposed Planning Commission language.



REC'D

FEB 24 2003

PLANNING DEPT.

Community Planners Landscape Architects  
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

**MEMORANDUM**

**TO:** Mark Miller, Planning Director  
**FROM:** Richard K. Carlisle  
**DATE:** February 21, 2003  
**RE:** Recommendations for Off-Street Parking Standards

Attached please find a review and recommendations of Off-Street Parking. This is the second of two reports, and is an analysis of the parking standards not covered in the earlier review by the Planning Commission and myself.

Just as was done with the first report, we have employed a number of sources of information in addition to my own experience. The Institute of Transportation Engineers' (ITE) parking generation manual, "Off-Street Parking Requirements" (American Planning Association), "Dollars and Cents of Shopping Centers" (Urban Land Institute & the International Council of Shopping Centers (ICSC)), and similar.

Based on this information, many of the existing parking standards are appropriate in scale and nature. For categories with recommended amendments, we have indicated our reasoning for such.

I look forward to further discussions with you, the Planning Commission, and City Staff.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

RKC:jk

# 225-05-2301

cc: John Szerlag, City Manager  
Planning Commission

## **Recommendations for Additional Parking Standard Revisions**

---

### **Section 40.21.20 INSTITUTIONAL**

**Section 40.21.21 Religious Worship Facilities** – *The existing language is consistent with the standards or intent of many other communities.*

One (1) for each three (3) seats or six (6) feet of bench seating in the main unit of worship.

[Also See Section 10.30.04 (G)]

~~10.30.04 (G). Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.~~

~~1. The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.~~

~~2. Parking shall be provided for such incidental use areas at one half (1/2) the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.~~

~~3. Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes.~~

~~4. Active indoor recreation facilities, such as gymnasiums, shall be located at least eighty (80) feet from any residentially zoned land, other than that which is developed or committed for uses other than the construction of residential dwellings.~~

### **Section 40.21.30 PLACES OF ASSEMBLY**

**Section 40.21.31 Restaurants** – *CWA recommends variation to the existing Dining and Banquet Room standards, basing employee parking on the largest shift. With these changes the categories are the same, and therefore are recommended to be combined. We recommend adding a fast food category; the current category is a little confusing. In addition, CWA recommends providing standards for bars and similar uses. With these additions, definitions of such should be added in the Definition section of the ordinance.*

A) Dining Room / Banquet Room

One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) ~~for each employee on the largest shift~~ employee parking space for each ten (10) seats within the seating capacity or one (1) for each thirty-five (35) square feet of dining area, whichever is greater.

B) ~~Banquet Room~~

~~One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) employee parking space for each ten (10) seats within the seating capacity or one (1) for each twenty (20) square feet of banquet area, whichever is greater.~~

BC) Fast Food Restaurants Restaurant Drive-Up Facilities

One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) for each employee on the largest shift, plus nine (9) stacking spaces shall be provided for each drive-up station.

C) Bars, Taverns or Nightclubs

One (1) for each two (2) persons allowed within maximum occupancy as established by local, county or state fire, building or health codes.

**Section 40.21.32 Business Schools, Colleges and Trade Schools** – *The current standard encourages a large amount of land devoted to parking, higher than any other standards that we have seen elsewhere. It is unlikely that a use as such will be at full capacity at any time due to class scheduling, empty classrooms, etc. In addition, it is likely that each student will drive to the facility. Therefore, CWA recommends reducing the number of spaces required for each student, and adding a separate standard for each room to provide parking for school staff.*

~~One (1) for each one (1) student~~ One (1) for each two (2) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus two (2) spaces for each classroom, laboratory or instruction area.

**Section 40.21.33 Martial Arts and Dance Schools** – *No change recommended.*

One (1) for each three (3) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

**Section 40.21.34 Commercial Recreation Facilities** – *Some of the second and more specific standards of this category are excessive. For example, Court Type Recreation requires eight spaces per tennis court at this time. However, many of these courts would likely be used by a maximum of two people at one time. Therefore, CWA recommends reducing this standard to a more reasonable level, and adding employee parking standards. Similar standards have been added to Health, Fitness and Athletic Clubs for the same reasons. In addition, because many of these facilities may have accessory restaurants, we have added notation for standards of such.*

One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

- Or -

One or more of the following; whichever is greater

- A) Court Type Recreation  
Two (2) One (1) for each two (2) persons permitted by the capacity of the courts, plus one (1) for each employee on the largest shift, plus requirements for any restaurant use in accordance with Section 40.21.31.
- B) Health, Fitness and Athletic Clubs  
One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes ~~fifty (50) square feet of exercise area, including swimming facilities, plus requirements for any restaurant use in accordance with Section 40.21.31.~~
- C) Private (Non-profit) Recreation Clubs (Residential Districts)  
One (1) for each two (2) member families and/or individual members, unless otherwise provided in this chapter.
- D) Stadium, Sports Arena  
One (1) for each three (3) seats or six (6) feet of bench seating.

**Section 40.21.36 Auditoriums and Theaters** – *(PREVIOUSLY COMBINED WITH 40.21.35)*

**Section 40.21.37 Lodge Halls, Social Clubs and Fraternal Organizations** – *No change recommended.*

One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. In those areas used for dining room or banquet room purposes, the parking requirements for such use areas shall apply.

**Section 40.21.40 GENERAL COMMERCIAL**

**Section 40.21.41 Retail Store (unless listed below)** – *No change recommended.*

One (1) for each two hundred (200) square feet of gross floor area.

**Section 40.21.42 Shopping Center** – *The current shopping center guidelines are hard to follow, and may be slightly excessive in nature. To resolve the latter issue, we recommend reducing the minimum standard to 200 square feet. The trend of providing more parking than is necessary for shopping centers is a significant concern, due to the large amounts of pavement (and stormwater runoff) that are a result. Therefore we recommend adding a maximum standard to ensure that provided parking is within reason. In conjunction with this, the opportunity for shared parking has been cited, which could also limit the amount of parking (and paved surfaces) necessitated by the use.*

*To alleviate concerns of the confusing aspects of the language, we recommend removing the table and percentage limits of places of assembly. We do not believe that limiting the percentages of gross floor area and available parking for places of assembly is necessary for shopping centers, and just results in a more confusing standard for developers and the Planning Commission. In its place, we recommend adding language that requires all places of assembly to be subject to the applicable standards of such (as found in Section 40.21.30).*

A minimum of ~~One~~ (1) per ~~170~~ two hundred (200) square feet of gross floor area, including mall area, service areas and mechanical areas, as measured from the outside face of the exterior walls, not to exceed a maximum of one (1) per one hundred twenty-five (125) square feet of gross floor area.

*When shopping centers have "Places of Assembly" (as defined in Section 04.20.124), the parking for such uses shall be in accordance with Section 40.21.30. the extent of such uses shall be limited by the following table. The "Maximum Percent of Available Parking" to be used for "Places of Assembly" shall be determined in accordance with their individual requirements as provided in the Sections headed by Section 40.21.30.*

<b><u>Places of Assembly</u></b>		
<b><u>Maximum size of center (G.F.A.) in sq. ft.</u></b>	<b><u>Maximum percent of gross floor area</u></b>	<b><u>Maximum percent of available parking</u></b>
50,000	15%	50%
100,000	25%	50%
100,000+	20%	40%

*Parking for "Places of Assembly" areas exceeding the maximum percent of gross floor area or the maximum percent of available parking indicated above shall be provided in addition to the parking required for the total shopping center.*

**Section 40.21.43 Automobile Service Station** – *Because most service stations are now constructed with areas of retail, CWA recommends adding standards for retail within the service station text. The language proposed is consistent with similar standards used in other communities for service station/convenience store uses.*

Two (2) for each lubrication stall, rack, or pit, and one (1) for each gasoline pump unit, and one (1) per one hundred (100) sq. ft. of floor area devoted to retail sales and customer service.

**Section 40.21.44 Automobile Car Wash** – *Because there are two distinct types of car washes, CWA recommends creation of two separate standards. Standards for car washes in which drivers stay in their car, Automatic, is similar to existing language. A provision of providing spaces for vacuum stations has been added. The second category, Self-Service, provides standards for washes in which drivers must exit their vehicles and wash them on their own.*

A) Automatic

One (1) for each ~~one (1)~~ employee on the largest shift and one (1) for each vacuum station. In addition, a stacking lane shall be provided at the rate of five (5) cars for each twenty (20) feet of wash line.

B) Self-Service

One (1) within each wash stall, one (1) for each vacuum station and one (1) per each employee on the largest shift. In addition, one (1) stacking space per each wash stall shall be provided.

**Section 40.21.45 Automobile Sales and Service** – *Recommended changes for this category are minimal, adding only a required space for service vehicles.*

One (1) for each two hundred (200) square feet of sales area, one (1) for each ~~one (1)~~ auto service stall in the service area and one (1) for each service vehicle.

**Section 40.21.46 Hair and Beauty Salons including Nail Salons** – *We believe that the current standard is more confusing than it has to be. Therefore, CWA recommends simplifying it to two spaces per chair.*

~~Three (3) for each of the first two (2) chairs and one and one-half (1 1/2) spaces for each additional chair.~~ Two (2) for each chair.

**Section 40.21.47 Furniture, Appliance and Service Trades** - *Recommended changes are minimal, striking unnecessary text and adding that employee parking will be based on largest shift.*

One (1) for each one thousand (1,000) square feet of gross Showroom and Sales floor area, plus one (1) for each ~~one (1)~~ employee on the largest shift.

**Section 40.21.48** – *The parking category for this section is either missing or has been removed.*

**Section 40.21.49 Laundromats** – *No changes recommended.*

One (1) for each two (2) washing machines.



**Section 40.21.50 Commercial Lodging Establishments** – *CWA recommends eliminating the final portion of text due to its confusing nature. In its place, clarifying language for uses that are more than accessory in nature (restaurants, banquet rooms, etc.) has been added. This is similar to the clarifying language added to Commercial Recreation Facilities (Section 40.21.34) of the previously discussed parking amendments.*

One for each ~~one~~ (1) occupancy unit plus one (1) for each ~~one~~ employee on the largest shift. In addition parking shall be provided for restaurants, banquet rooms and bars, meeting rooms, conference rooms, ~~banquet rooms~~ and other similar assembly hall facilities, in accordance with the standards of Section 40.21.30. ~~in order to accommodate that portion of the seating capacity of such facilities which exceeds the number of occupancy units within the establishment.~~

**Section 40.21.51 Mortuary Establishments** – *CWA recommends adding space requirements for any vehicles that may be used by the facility.*

One (1) for each fifty (50) square feet of assembly room and visitation parlor area, plus one (1) space for each vehicle maintained on the premises.

**Section 40.21.52 Commercial Kennels** – *No changes are recommended.*

One (1) for each employee in the largest working shift, plus one (1) for each fifteen (15) animals within the board capacity of the building; or one (1) for each four hundred fifty (450) square feet of gross floor area, whichever is greater.

**Section 40.21.53 Building Materials / Garden Supplies** – *CWA recommends adding standards for this category. Without such, the general retail category (Section 40.21.41) would apply. Because that category is too excessive for such uses, specific language is necessary.*

One (1) for each eight hundred (800) square feet of floor area.

#### **Section 40.21.70 OFFICES**

**Section 40.21.73 Medical, Dental and similar professions** – *No changes are recommended.*

One (1) for each one hundred (100) square feet of usable floor space as provided in Section 04.20.63.

**Section 40.21.74 Offices of Engineers, Architects and Landscape Architects (with drafting)**

*We believe the current square footage requirements are too stringent. Reducing the standard to a base of 200 square feet is consistent with similar requirements of other communities.*

One (1) for each two hundred (200) ~~one hundred twenty five (125)~~ square feet of usable floor area as provided in section 04.20.63.

**Section 40.21.80 INDUSTRIAL**

**Section 40.21.81 General Industrial** – *We believe this category is also confusing and can be simplified. Therefore, we recommend eliminating the majority of the text. The resulting language would separate industrial and office uses, noting that parking for all office areas would be based on the office category of the ordinance.*

One (1) for every ~~four hundred fifty (450)~~ square feet of gross floor area. When the amount of office area exceeds 25% of the gross floor area, the parking requirement for such office area shall be determined in accordance with the applicable portions of Section 40.21.70. The parking requirement for the remainder of the building shall be one (1) space for every five hundred and fifty (550) square feet of gross floor area dedicated to industrial use. The parking requirements for all office areas shall be determined in accordance with the applicable portions of Section 40.21.70.

**Section 40.21.82 Wholesale or Warehouse Facilities**– *CWA recommends eliminating the final sentence, which requires areas reserved for parking of future industrial uses. Requiring such is inappropriate as it limits the use of the existing facility, penalizing such on the basis that the wholesale or warehouse facility may fail.*

Five (5), plus one (1) for every one (1) employee in the largest working shift; or one (1) for every seventeen hundred (1,700) square feet of gross floor space, whichever is greater. ~~In addition, designated unimproved space must be provided on the site to enable compliance with Section 40.21.81, in the event of a change of use.~~

**Section 40.21.83 Mini-Warehouse or Self Storage Establishments** – *We believe that the current standard is excessive. The proposed revisions are based on the common practice to base standards on the number of storage units and employees. A minimum space requirement ensures that at least five spaces are provided.*

~~One (1) space for each seventeen hundred (1,700) square feet of gross floor area.~~ One (1) space for each one hundred (100) storage units, plus one (1) for each employee, with a minimum of five (5) parking spaces.

13. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements

Mr. Savidant summarized the intent of the proposed revisions to the parking requirements zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Kramer

Seconded by Schultz

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XI (GENERAL PROVISIONS), Section 40.20.00 (PARKING REQUIREMENTS) of the Zoning Ordinance, be amended as printed on the Planning Commission recommended amendment, dated 04/17/03:

Yeas

Kramer  
Littman  
Pennington  
Schultz  
Waller  
Wright

Nays

Vleck

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

Mr. Vleck indicated he is not in favor of the motion because the text contains references to the “largest working shift” which he thinks is too dynamic of a standard and makes the ordinance unenforceable. Since the largest working shift is based on a tenant that is unknown, the criteria would arrive at a fictitious number.

8. ORDINANCE REVISION DISCUSSION – Parking Requirements – Article 40.20.00 (ZOTA #198)

The Commission thoroughly reviewed section by section the proposed ordinance text for off-street parking requirements.

The Planning Department documented all suggested revisions, and it was the consensus of the Commission that the revisions be implemented and that a glossary of terms be incorporated.

5. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements *(This item was tabled to the March 11, 2003 Regular Meeting; however at the February 25, 2003 Special/Study Meeting, it was agreed to discuss this item at the March 25, 2003 Special/Study Meeting)*

Mr. Miller reported that the Zoning Ordinance Text Amendment relating to Parking Requirements was tabled to today's meeting; however at the February 25, 2003 Special/Study Meeting, the Commission agreed to discuss the matter in greater detail at the March 25, 2003 Special/Study Meeting. Mr. Miller suggested that the Commission pass a resolution to table the item to the March 25, 2003 Special/Study Meeting for discussion.

Mr. Storrs asked if the Planning Department would have consolidated comments prepared for the March 25<sup>th</sup> meeting.

Mr. Miller responded in the affirmative.

Chairman Littman confirmed that the Public Hearing would remain open.

**Resolution**

Moved by Storrs

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby continues the Public Hearing, for the amendment of Article 40.20.00, Parking Requirements of the Zoning Ordinance, to the April 8, 2003 Regular Planning Commission Meeting.

**FURTHER**, that the Planning Commission will discuss the proposed amendment of Article 40.20.00 at the March 25, 2003 and April 1, 2003 Special/Study Planning Commission Meetings.

Yeas

All present (7)

Absent

Pennington  
Schultz

**MOTION CARRIED**

9. ORDINANCE REVISION DISCUSSION – Off Street Parking Requirements (ZOTA #198)

Mr. Miller reported that a new public hearing notice package should be assembled prior to reconvening the public hearing. He stated that the Planning Department would review both of the Planning Consultant's memoranda and report its findings to the Commission.

Mr. Miller said that the proposed text amendments would ultimately provide more flexibility and authority to the Planning Commission. Mr. Miller stated that in general the Planning Department agrees with the Planning Consultant's review. Mr. Miller cited one particular issue needed review by the Planning Commission, and that is the "largest working shift" standard. This criterion is used by many communities, and asked for the Commission's input. Mr. Miller proposed that the Planning Department create a matrix incorporating the current text, proposed text amendments recommended by the Planning Consultant, and proposed text amendments recommended by the Planning Department, if different from the Planning Consultant's recommendation. Mr. Miller indicated that he could have the proposed text amendment matrix completed for the March 25, 2003 Special/Study Meeting.

Chairman Littman solicited comments on the "largest working shift" criterion.

Mr. Vleck does not see how the "largest working shift" criterion can be enforced because it is so dynamic and will change so often.

Mr. Kramer agrees with the comments of Mr. Miller's relating to the flexibility that will be provided to the Commission and Mr. Vleck's comments on the enforceability of such a criterion, but Mr. Kramer believes the word measurability should be added. He said that in order for something to be enforced, it must be measured; and he questioned the measurability of the "largest working shift". Mr. Kramer suggested that an asterisk be added to the definition of "number of beds" to display the Commission's definition, not the State's definition.

Mr. Wright said that he agrees with all the comments made so far, especially with the enforceability of the "largest working shift" criterion. Mr. Wright said that if a developer comes in with an office plan, generally the parking far exceeds the City's requirements.

Mr. Wright referenced the office research development on Crooks Road, north of Long Lake. He noted the Commission at the time had no intention of putting any freestanding structures in there; but as time went on, the Commission agreed to rezone to allow retail uses and restaurants to service the nearby officer workers. Mr. Wright said it was a great experiment for the City, noting that parking within the complex is quite interesting during lunch hours where parking spaces are nowhere to be seen and many vehicles end up parking illegally.

Mr. Schultz noted that the parking lots are again full during the evening hours when the University of Phoenix classes are in session.

Mr. Schultz agreed that the "largest working shift" criterion would be very difficult to enforce. Mr. Schultz also stated that he has concerns with respect to hospital parking and suggested it be given serious consideration.

Mr. Vleck suggested that higher parking standards be created that would allow petitioners to landbank parking spaces, noting that a mechanism should be in place to address any issues that may arise in the future.

It was agreed that the proposed off street parking text amendments would be ready for review and discussion at the March 25, 2003 Special/Study Session and a tentative date for the public hearing would be the April or May regular meeting.

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements

Mr. Savidant presented a summary of this item. He stated that the Planning Commission spent the last couple of years working on amendments to the off-street parking provisions and the public hearing tonight is a result of the fruits of the Planning Commission's labor. Mr. Savidant reported that the Planning Department has had available to the public copies of the proposed text amendments.

In summary, Mr. Savidant explained that the Planning Commission's intent is to reduce the amount of paved parking spaces in the City, in addition to tweaking existing standards. Mr. Savidant said that Dick Carlisle, the City's Planning Consultant, has reviewed the proposed draft amendments and generally agrees with the Planning Commission's recommendations. The Planning Department is expecting to receive a report from the Planning Consultant that encompasses an overall review of the entire off-street parking section of the zoning ordinance.

Mr. Miller confirmed that the Planning Consultant's overall review report on the Off-Street Parking Section of the zoning ordinance has not been received from the Planning Consultant. He confirmed that none of the Planning Consultant's suggestions have been incorporated into the public hearing notice because the public hearing notice had to be mailed over three weeks ago.

Mr. Miller spoke with respect to parking issues related to hospitals. He stated that the Planning Consultant's opinion is that the Planning Commission's recommendations for parking related to hospitals is too complex, and recommends it be based on a bed/employee formula.

Mr. Chamberlain asked if the Planning Department has received any public response resulting from the public hearing notice.

Mr. Miller responded that the Planning Department has received no response from the public. He noted that he sent an e-mail message to the Chamber of Commerce soliciting their response. Ted Wilson, Chairman of the Economic Development Committee, briefly discussed the matter with Mr. Miller, but Mr. Wilson did not want to express any specific public comment.

Mr. Savidant commented that the one modification to be made to the proposed text amendments is the landbanking provisions for grandfathering under section 40.20.13.

Mr. Vleck questioned what type of standards are used when determining the "largest working shift", and asked if it would be a dynamic requirement every time a company changes the amount of its employees, or if a tenant moves out of the building.



Mr. Miller responded that the "largest working shift" requirement would be very difficult to monitor and enforce.

Mr. Savidant commented that the "largest working shift" requirement is a more reality based standard in that it is based on people and not square footage, noting that it is a commonly used standard.

Mr. Vleck stated that his view is that it is more of a non-reality standard, citing the proposed Sterling Corporate Center PUD where the number of tenants is unknown and an estimate is provided.

Discussion followed with respect to hospital parking relating to inpatient and outpatient bed count and the variation of traffic generation.

Mr. Kramer stated that historically an overnight hospital stay counts as a bed. He stated that a definition of "bed" needs to be determined before any changes are made to the text ordinance relating to parking.

Mr. Chamberlain stated that a hospital would fix its own parking problems should they occur and reminded the Commission the intent of revising the ordinance text is to get rid of asphalt. He said that if the City demands a hospital to construct acreage of asphalt for parking and it's not used, then the City continues to look at asphalt. Mr. Chamberlain recommended the Commission go back into a study session for further review.

Mr. Kramer responded that nowadays all a hospital does is raise its parking garage rates and hospital visitors try to find parking elsewhere [referenced the City of Sterling Heights], noting this increases the parking problem.

Mr. Chamberlain noted for public comment that Troy Beaumont Hospital no longer charges to park in their parking deck.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### ***Resolution***

Moved by Vleck

Seconded by Chamberlain

***RESOLVED***, that this item be tabled to the March 11, 2003 Regular Meeting.

#### Yeas

All present (9)

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing will remain open until the March 11 Regular Meeting.

7. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA #198)

Mr. Miller noted that the Public Hearing for the proposed text amendment revisions to the City off-street parking requirements is scheduled for February 11. The actual public hearing notice was enclosed in the Commission's meeting packet.

Mr. Miller noted that the Planning Consultant's text review was received last Friday after the Commission's meeting packets were delivered. Mr. Miller suggested that the review could be discussed at the next Special/Study Meeting, and a complete review of the text could be done prior to the public hearing.

Discussion followed with respect to the proposed changes and the format of the text amendment.

It was decided to use more friendly-user text so that it is easily understood. Further, it was decided to not discuss the proposed revisions at the next Special/Study Meeting, but to wait for a complete review prior to the February 11 public hearing.

Mr. Kramer commented that he is not in agreement with the Planning Consultant with respect to hospital parking.

Chairman Littman mentioned the Somerset South parking deck matter wherein the City required more parking resulting in a lawsuit, with the plaintiff claiming it was a "taking". Chairman Littman asked the Assistant City Attorney to review this matter and apprise the Commission of her findings.

9. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA #198)

A short discussion followed with respect to the appropriate language for the grandfather clause to be incorporated in the proposed text amendment for off-street parking requirements. It was agreed that a reference to Ordinance 23 is not necessary and that Ms. Lancaster and Mr. Miller will draft the appropriate legal language prior to the public hearing.

6. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS\_(ZOTA 198)

Mr. Savidant stated that the amendment language to the off-street parking section was discussed at the November 5 Planning Commission Study Session and it was suggested at this meeting that the text was ready for a Public Hearing. He stated that the Planning Department is prepared to schedule a Public Hearing, but at this time the Planning Department, City Attorney and staff have concerns with the proposed text amendments: (1) Increasing the off-street parking requirements for specific uses could have the affect of creating non-conforming off-street parking areas that could negatively impact the value of property and limit the use of existing properties. (2) Staff is not aware of any specific parking problems in the City that would necessitate amendments to the existing parking standards. (3) It is the opinion of the Planning Department, City Attorney and staff that in the best interest of public health, safety and welfare to hold off until there is more study given to the standards.

A brief discussion followed.

Mr. Chamberlain stated that he reviewed the comments incorporated in the memo one by one. He confirmed that the intent of the Commission is to reduce the amount of asphalt throughout the City and return it to green space. He asked that legal language be drafted with respect to allowing parking lots to be reduced in size and grandfathering them in. Mr. Chamberlain would like to see a Public Hearing scheduled in January.

Mr. Chamberlain asked the members if they were in favor of taking this matter before Council now and if they agree that the Commission should be represented at the Council meeting.

Mr. Waller voiced his support to go forward. He questioned which direction the study would take if it were to continue as staff is requesting.

Mr. Vleck agreed that the matter should go to Council. He suggested that a more scientific study could be conducted to see results of current ordinances in different areas.

Ms. Pennington agreed to go forward because of the land banking benefit.

Mr. Storrs agreed there were no major changes to the ordinance and would like to go forward with the land banking.

Mr. Kramer feels that the ordinance was tweaked well and agreed to go forward with the land banking. Mr. Kramer further stated that he would like to see the approval process to change asphalt to green space handled administratively.

Mr. Starr agreed that land banking is a big item and to go forward to Council.

Mr. Littman agreed to go to Council. He stated that the legal language for grandfathering will need some work.

Mr. Chamberlain stated that from this point forward, if a recommendation of City staff is different from a Planning Commission's recommendation, both Planning Commission and City staff positions would be provided to Council.

Ms. Lancaster advised the Commission that in terms of ethics, no Board member should go before another Board if he/she has a personal interest in the matter. She suggested that the representative party be prepared with a written position from its Board and to answer questions as a representative of the Board, not as an individual.

Mr. Chamberlain said: "If you have not caught the undercurrents going on around in the last six months, I will remind you of everything the Commission previously worked on that has not come to fruition. When was the last time you heard anything about retention ponds since we quit talking about them because City staff said they were going to make a whole new development standard. We have never seen anything since then. They had their last draft and you are not hearing about that anymore. Guys like me have a long memory. I do not think that the City staff and us are...when I say City staff, I am not including Brent Savidant and Mark Miller. They are kind of caught up because they are sitting here having to deal with us and deal with the other side. So I keep them out of that fight. But we have some real problems and going forward, Sue talks about ethics, and us going in front of City Council. The staff goes in and gives their position on our issues and the Planning Commission is not allowed to do that. There ain't no ethics involved there. The ethics are we should be there first trying to influence what we want to do; not have someone else influence us why we do not want to do something. That's where I come from on this. Again, we are citizens of Troy. We have a right to petition. What we want is this thing to go forward as is, with a couple of additions. I want to see those additions at our study meeting, ready to go before Council to have a public hearing on this thing. Unfortunately, it will be right after the first of the year. I would like to meet with Mr. Littman, Mr. Savidant, Mr. Miller and Ms. Lancaster and go over everything before the Planning Commission's formal study meeting so we at least agree what's coming forth."

4. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA 198)

Mr. Miller presented a chart which compared parking standards for the City of Troy and three other cities. Two of these cities were edge cities (Farmington Hills and Schaumburg, IL) and the other was Rochester Hills. This chart will serve as a basis for updating the current parking standards.

The concept of landbanking was discussed. It was generally agreed that the concept should be further discussed in the future, particularly as related to larger uses.

Mr. Kramer suggested that grass pavers would be a suitable option, particularly for overflow parking areas or parking that is needed a few times per year.

## 8. PARKING REQUIREMENTS

The Planning Commission will continue discussion of the Section 40.20.00 Parking Requirements of the Zoning Ordinance.

### **40.20.00 Parking Requirements – Add a Preamble**

The City of Troy encourages dual usage between neighbors during off hours and, therefore, this is how this standard was built.

### **40.21.35 – Lecture Facilities & 40.21.36 – Auditoriums and Theaters & 40.21.37 – Lodge Halls, Social Clubs, and Fraternal Organizations**

Combine **40.21.35**, **40.21.36**, and **40.21.37** to:

**40.21.35** – Lecture Facilities, Auditoriums and Theaters, Lodge Halls, Social Clubs, and Fraternal Organizations

Add Land Banking for all uses – 25%

### **40.21.40 – RETAIL COMMERCIAL**

All Retail Commercial – Land Banking at 25%, **excluding 40.21.43 & 40.21.44**

40.21.41 – Retail Store

40.21.42 – Shopping Center

**40.21.43 – Automobile Service Station (excluded from Land Banking)**

**40.21.44 – Automobile Car Wash (excluded from Land Banking)**

40.21.45 – Automobile Sales

40.21.46 – Hair & Beauty Salons including Nail Salons

40.21.47 – Furniture, Appliance, and Service Trades

40.21.49 – Laundromats

40.21.50 – Commercial Lodging Establishments

40.21.51 – Mortuary Establishments

40.21.52 – Commercial Kennels

### **40.21.70 – OFFICES**

All Offices – Land Banking at 25%

**40.21.71** – Business and Professional Offices except as otherwise provided in this article



**Combine 40.21.75 – Banks and other Financial Institutions with 40.21.71**

**40.21.74** – Delete Offices of Engineers, Architects and Landscape Architects (with drafting) – Change to: **40.21.74 Research / Office**

**40.21.75** – Banks and other Financial Institutions

**Move 40.21.75 in combination with 40.21.71**

**40.21. 76** – Financial Institution

Move to **40.21.75**

**40.21.76** – Will be blank

**40.21.80 – INDUSTRIAL**

All Industrial – Land Banking at 25%

## 5. PARKING REQUIREMENTS

Mr. Miller stated that this a comprehensive review of the Zoning Ordinance parking requirements. We should put together information and comparisons regarding off street parking requirements. It would be good to list different community requirements. The Planning Department ordered a few books on how to provide parking at shopping centers and offices. We need some technical evidence if we are going to change the existing requirements.

### 40.21.11 One Family Detached – Two (2) for each dwelling unit

Mr. Miller stated that parking spaces cannot be stacked for required spaces.

Mr. Wright stated that parking places can't be in front of the garage for some situations in Troy. Like the resident in Troy who has turned his garage into a family room. Technically, in that ordinance, that is not legal.

Mr. Chamberlain asked how do we enforce something like that.

Ms. Lancaster stated you can always take court action and ask the judge to resolve it.

Mr. Chamberlain asked how do you find out what's going on.

Ms. Lancaster stated that usually it is just through neighbors reporting it.

Mr. Miller stated if cars are parked in a stacked fashion, one would not be able to pull in or out.

No changes.

### 4021.12 – One Family Attached – Two (2) for each dwelling unit

Mr. Miller stated you have to be careful with condominiums. Parking is provided throughout the development. There is a 28 foot road standard and there could be on street parking; however, on-street parking is very rare. There should be a standard to provide accessible parking for guests.

Bob Schultz stated that community associations or condominium associations could provide some information regarding parking. It is clearly inadequate. Are there any standards in the City right now.

Mr. Miller stated two (2) per unit.

Planning Commission concluded that guest parking should be considered.

4021.13 – One Family Cluster – Two (2) for each dwelling unit

Concept is same as for 40.21.12

4021.14 – Two Family – Two (2) for each dwelling unit

Concept is same as for 40.21.12

4021.15 – Multiple Family – Two (2) for each dwelling unit

Concept is same as for 40.21.12

Need to address storing of snow, and visitor parking for 4021.12, 4021.13, 4021.14, 4021.15.

4021.16 – Senior Citizen Housing – 0.65 for each unit, and one (1) for each one (1) employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided

Mr. Chamberlain stated that an aerial should be done for Oakland Towers. This one needs to be reviewed thoroughly. Planning Department double check with site inspections.

4021.17 – Convalescent Homes – One (1) for each two beds

Mr. Chamberlain this one needs to be reviewed thoroughly. Just because some communities have something totally different from us, we still need to put our own special thoughts into it.

4021.18 – Mobile Home Park – Two (2) for each mobile home site and one (1) for each employee of the mobile home park

Mr. Miller stated guest parking could be a problem.

4021.21 – Religious Worship Facilities – One (1) for each three (3) seats or six (6) feet of bench seating in the main unit of worship

Mr. Chamberlain stated everyone should look around on Sundays to get an idea. See if we can reduce some of the requirements.

Mr. Miller stated there are some optional and creative ways to figure out some of the parking issues.

Mr. Chamberlain stated he would like to see some creative ways of parking with more green space. Let's look at the rebuilding cycle.

#### 4021.22 – Hospital – Three for each one (1) bed

Mr. Wright stated problem with 3 for 1 bed facility like Beaumont is mostly outpatients. There is a need for as many parking requirements for outpatients as well as inpatient.

Mr. Chamberlain stated we need to get a handle on this hospital parking.

Mr. Littman stated that health, safety, and welfare is our problem.

Mr. Kramer stated we should call those people in from the medical offices and the hospital and let them help with finding a solution. We should add parking spaces for hospital, plus office, plus outpatient.

#### 4021.23 – Nursery Schools and Child Care Centers – One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students or children cared for

Planning Commission concluded this should be reviewed and circle drives should be utilized for morning and evenings drop-offs and pick-ups.

#### 4021.24 – Elementary Schools – One (1) for each one (1) teacher, employee or administrator in addition to the requirements of the auditorium or multi-purpose room

The Planning Commission's consensus was that there is never enough parking, and do not revise.

#### 4021.25 – Middle or Junior High Schools – One (1) for each one (1) teacher, employee or administrator in addition to the requirements of the auditorium or multi-purpose room

The Planning Commission's consensus was that there is never enough parking, and do not revise.

4021.26 – Senior High Schools – One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium

The Planning Commission's consensus was that there is never enough parking, and do not revise.

4021.27 – Adult Foster Case Facility – Two (2) plus one (1) for each employee

The Planning Commission asked for a definition of adult foster care.



## Memorandum

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Tonni L. Bartholomew, City Clerk

Date: November 11, 2003

Re: Charter Revision Committee Recommendation

---

The Charter Revision Committee met on October 21, and November 5, 2003 and discussed the proposed charter revisions forwarded to the Committee by Council. Copies of the minutes from both Charter Revision Committee meetings are attached.

Attached are the proposed Charter revisions are recommended by the Committee for placement before the voters at the April 5, 2004 City General Election. Additionally, a copy of the Charter Revisions – Potential Impacts memorandum from November 11, 2003 has been attached for reference.

In anticipation of a large number of Charter Revision Committee recommended ballot questions, the possible submission of the Civic Center ballot question and the offices of Mayor and City Council to be placed on the April 5, 2004 ballot, City Administration has reviewed the Charter Revision Committee proposal and recommends that Council consider phasing the questions over the next two City General Elections. The rationale for the phasing is based on ballot length and voter frustration tied to the number of proposals.

It is recommended that items that are “housekeeping” in nature be held until the April 4, 2005 City General Election.

The following is a recommended phasing plan dealing with the proposed amendments as recommended by the Charter Revision Committee:

April 5, 2004

Section 5.11 Initiatory and Referendary Petitions

Section 12.1 Purchase and Sale of Property

April 4, 2005

Section 3.8.5 Congressional Term Limits

Section 7.3 Election Date\*

Section 7.6 Special Election

Section 7.9 Nominations\*

\* It should be noted that proposed revision to Sections 7.3 and 7.9, as proposed, fall into the “housekeeping” category. Should Council wish to advance a change in the date of the City General Election from April to November, Section 7.3, Election Date, and Sections 3.4, Terms of Office, and 7.9, Nominations, should be also be advanced to the 2004 election.

### Section 3.8.5

~~In January each year until term limitation for Congress has been incorporated into the United States Constitution, the Mayor of the City shall issue a written proclamation requesting members of Congress use their best efforts to pass a constitutional amendment imposing term limits on the U. S. Congress. The proclamation shall be delivered to each U. S. Senator and U. S. Representative whose district includes any part of the City. If a section hereof is held invalid, the remaining section shall not be affected.~~

### Section 5.11 – Initiatory and Referendary Petitions:

An initiatory or a referendary petition shall be signed by not less than ~~ten per cent of the~~ 2,000 registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within ~~twenty-one~~ ninety days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part thereof, or code sections it proposes to have repealed.

Each signer of a petition shall sign his name, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the city, the Clerk shall notify forthwith by registered mail the person filing such petition, ~~and fifteen days from such notification shall be allowed for filing of supplemental petition papers.~~ When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council as its next regular meeting.

### Section 5.14 - Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions:

No change proposed.

### Section 7.3 - Election Date:

A regular City election shall be held on the first Monday in April of each year, ~~but if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular city election shall be held on the date so fixed.~~

### Section 7.5.5

No change proposed.

### Section 7.6 - Special Election:

Special city elections shall be held when called by resolution of the Council at least ~~40~~ 60 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than the number permitted by statute.

### Section 7.9 - Nominations:

The method of nomination of all candidates at city elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City. No person shall sign his name to a greater number of petitions for any office than there are



persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.

Nomination petitions for candidates for regular city elections shall be filed with the Clerk on or before 4 o'clock p.m. of the ~~twenty-eighth (28)-seventy-fifth~~ day preceding the City election ~~third Monday of February~~ of each year.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

### **Section 12.1 - Purchase and Sale of Property:**

The City Manager shall be responsible for the purchase and sale of all City property.

Comparative prices shall be obtained for the purchase or sale in amount not in excess of ten thousand dollars of all materials, supplies and public improvements except (a) in the employment of professional services and (b) when the City Manager shall determine that no advantage to the City would result.

In all sales or purchases in excess of ten thousand dollars, (a) the sales or purchases shall be approved by the Council, (b) ~~sealed competitive~~ bids shall be obtained through a traditional sealed bid procedure, or alternative means, including but not limited to, electronic submission or reverse auction methods providing the method used preserves the integrity of the competitive bid process. Exceptions, except to competitive bids are permitted where the Council shall determine that an emergency exists or that the public interest will be best served without obtaining ~~sealed~~ bids through the methods described above, and (c) the requirements of Section 12.2 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City.

The City Manager may make necessary purchases without sealed bid, prior council approval, and in excess of the limits provided in this chapter when an emergency, because of a natural disaster, civil disturbance or similar calamity, is officially declared. Any such purchases shall be affirmed at the next regularly scheduled council meeting.

All purchases and sales shall be evidenced by written contract or purchase order.

The City may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the Council.

The purchase and sale of all city property shall be subject to the provisions of Section 6.12.

Detailed purchasing, sale and contract procedures shall be established by ordinance.



## Memorandum

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Tonni L. Bartholomew, City Clerk

Date: November 11, 2003

Re: Charter Revisions – Potential Impacts

---

In regards to a very basic overview of the proposed changes to the Charter and the potential impact they may have to the City I have the following observances:

**Section 3.8.5** - The proposed striking of the section has no real impact.

**Section 5.11** – Reducing the number of signatures required on an initiatory and referendary petition would protect the integrity of the City Charter and allow the citizenry to place concerns before the voting public for validation. There is a greatened potential for petitions to be bought forward.

**Section 5.14** – Significantly reducing the number of signatures required for suspension of an ordinance in the initiatory and referendary petition process should be considered cautiously. The impact on the City Code could be great. A reduction of the number of signatures to suspend the ordinance could be higher than the number required for ballot placement.

**Section 7.3** – A change in the election date potentially should initiate a change in Mayor and Council terms. A term change from an odd number of years to an even number of years would be recommended to allow for the odd year November cycle. An odd-year cycle is recommended due to the length of the Federal and State election ballots, which fall on even-years. The Clerk's Office receives calls on odd-year Novembers from confused voters. November is currently recognized as the "voting" month and that in connection with the media coverage for neighboring communities; voters believe they should be voting in Troy as well. I believe that voter participation would increase. Additionally, April is a very difficult month to hire sufficient numbers of Election Inspectors due to the number of "snow birds".

**Section 7.5.5** – Change would be recommended should Section 7.3 pass as outlined above. There is no visible impact.

**Section 7.6** – The provisions of the current wording does not take into effect any election that is currently in process. If change were recommended, referencing Michigan Election Law would be recommended. A change to reference Michigan Election Law could reduce the potential of overlapping elections and greatly reduce potential for error.

**Section 7.9** – Changing the filing date to a specific number of days (75 days) preceding the date of the General City Election is recommended. The change would eliminate a conflict should the date of the City election change. There is no impact on staff. The change would be more of a housekeeping amendment that would be required should section 7.3 be amended.

**Section 12.1** – Change would allow for reverse auctions.

A meeting of the Troy Charter Revision Committee was held Tuesday, October 21, 2003, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:05 P.M.

**Roll Call:**      **PRESENT:**                      Lillian Barno, Daniel Bliss, Jerry Bloom, Shirley Kanoza,  
   Robert Noce, Mark Solomon, Cynthia Wilsher

**ABSENT:**

**ALSO PRESENT:**    City Attorney Lori Grigg Bluhm, Assistant City  
   Manager/Finance and Administration John M. Lamerato, City Clerk Tonni  
   Bartholomew, Purchasing Director Jeanette Bennett, Deputy City Clerk Barbara  
   Holmes, Assistant to the City Manager Laura Fitzpatrick

**Appointment of Chair:**

Resolution #CR-2003-10-001

Motion by: Kanoza

Seconded by: Wilsher

RESOLVED, That Daniel Bliss is appointed as Chair of the Charter Revision Committee.

Yes: All 7

**Appointment of Vice Chair:**

Resolution #CR-2003-10-002

Motion by: Barno

Seconded by: Bliss

RESOLVED, That Shirley Kanoza is appointed as Vice-Chairman.

Yes: All 7

**Approval of Minutes:**

Resolution #CR-2003-10-003

Motion by: Kanoza

Seconded by: Wilsher

RESOLVED, That the Minutes of December 4, 2001 are approved as submitted.

Yes: All 7

**Proposed Charter Amendments**

**Section 12.1 Purchase and Sale of Property**

Resolution #CR-2003-10-004

Motion by: Bloom

Seconded by: Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends an amendment to Section 12.1, Purchase and Sale of Property, of the City Charter as recommended by City Administration. To read as follows:

**Section 12.1 - Purchase and Sale of Property:**

The City Manager shall be responsible for the purchase and sale of all City property.

Comparative prices shall be obtained for the purchase or sale in amount not in excess of ten thousand dollars of all materials, supplies and public improvements except (a) in the employment of professional services and (b) when the City Manager shall determine that no advantage to the City would result.

In all sales or purchases in excess of ten thousand dollars, (a) the sales or purchases shall be approved by the Council, (b) competitive bids shall be obtained through a traditional sealed bid procedure, or alternative means, including but not limited to, electronic submission or reverse auction methods providing the method used preserves the integrity of the competitive bid process. Exceptions to competitive bids are permitted where the Council shall determine that an emergency exists or that the public interest will be best served without obtaining bids through the methods described above, and (c) the requirements of Section 12.2 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City.

The City Manager may make necessary purchases without sealed bid, prior council approval, and in excess of the limits provided in this chapter when an emergency, because of a natural disaster, civil disturbance or similar calamity, is officially declared. Any such purchases shall be affirmed at the next regularly scheduled council meeting.

All purchases and sales shall be evidenced by written contract or purchase order.

The City may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the Council.

The purchase and sale of all city property shall be subject to the provisions of Section 6.12.

Detailed purchasing, sale and contract procedures shall be established by ordinance.

Yes: All 7

**Section 3.8.5 Term Limitation for Congress**

Resolution #CR-2003-10-005

Motion by: Bloom

Seconded by: Wilsher

RESOLVED, That the Charter Revision Committee hereby recommends an amendment to Section 3.8.5 of the City Charter by striking:

Section 3.8.5

In January each year until term limitation for Congress has been incorporated into the United States Constitution, the Mayor of the City shall issue a written proclamation requesting members of Congress use their best efforts to pass a constitutional amendment imposing term limits on the U. S. Congress. The proclamation shall be delivered to each U. S. Senator and U. S. Representative whose district includes any part of the City. If a section hereof is held invalid, the remaining section shall not be affected.

Yes: All 7

**Section 5.11 Initiatory and Referendary Petitions**

Resolution #CR-2003-10-006

Motion by: Kanoza

Seconded by: Wilsher

RESOLVED, That the consideration of Section 5.11, Initiatory and Referendary Petitions, of the City Charter be postponed until the next meeting of the Committee.

Yes: All 7

**Section 5.14 Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions**

Resolution #CR-2003-10-007

Motion by: Bloom

Seconded by: Barno

RESOLVED, That the Charter Revision Committee hereby recommends an amendment to Section 5.14, Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions, of the City Charter be postponed until the next meeting of the Committee.

Yes: All 7

**Section 7.3 Election Date**

Resolution #CR-2003-10-008

Motion by: Kanoza

Seconded by: Wilsher

RESOLVED, That the Charter Revision Committee hereby recommends an amendment to Section 7.3, Election Date, of the City Charter by striking "but if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular city election shall be held on the date so fixed"

Yes: Barno, Bliss, Kanoza, Noce, Wilsher

No: Bloom, Solomon

**Section 7.5 Elective Officers and Terms of Office**

Item withdrawn no review requested

**Section 7.5.5 Term Limits**

Item withdrawn no revision needed due to the annual City Election date schedule maintained.

**Section 7.6 Special Election,**

Resolution #CR-2003-10-009

Motion by: Kanoza

Seconded by: Solomon

RESOLVED, That the Charter Revision Committee hereby recommends an amendment to Section 7.6, Special Election, of the City Charter as recommended by City Administration to read as follows:

**Section 7.6 - Special Election:**

Special city elections shall be held when called by resolution of the Council at least 60 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than the number permitted by statute.

Yes: All 7

**Section 7.9 Nominations**

Resolution #CR-2003-10-010

Motion by: Bloom

Seconded by: Barno

RESOLVED, That the Charter Revision Committee hereby recommends an amendment to Section 7.9, Nominations, of the City Charter as recommended by City Administration to read as follows:

**Section 7.9 - Nominations:**

The method of nomination of all candidates at city elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City. No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.

Nomination petitions for candidates for regular city elections shall be filed with the Clerk on or before 4 o'clock p.m. of the seventy-fifth day preceding the City election of each year.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

Yes: All 7

**Section 7.9 Nominations**

Resolution #CR-2003-10-011

Motion by: Solomon

Seconded by: Wilsher

RESOLVED, That the Charter Revision Committee hereby recommends an amendment to Section 7.9, Nominations, of the City Charter by inserting "date of" after the word preceding in the 2<sup>nd</sup> paragraph to read as follows:

**Section 7.9 - Nominations:**

The method of nomination of all candidates at city elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City. No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.

Nomination petitions for candidates for regular city elections shall be filed with the Clerk on or before 4 o'clock p.m. of the seventy-fifth day preceding the date of the City election each year.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

Yes: All 7



**Audience Participation**

Mr. Peter Zigenfelder indicated that he has thoroughly reviewed the Charter and has submitted recommendations to the City Attorney. He noted concern with the April Election Date and suggested that the Committee consider the odd-year November 1<sup>st</sup> Tuesday after the 1<sup>st</sup> Monday election date.

Mr. Frank Howrylak voiced concern with the Monday April Election date and requested that the Committee reconsider their decision for the odd-year November date.

It was the consensus of the Committee to allow audience participation at each item as long as the meetings remain manageable.

**Schedule Next Meeting**

It was the consensus of the Committee to schedule the next meeting of the Charter Revision Committee for Wednesday, November 5, 2003 at 3:00 PM in the Council Board Room of City Hall.

**Adjournment**

Resolution #CR-2003-10-013

Motion by: Kanoza

Seconded by: Wilsher

RESOLVED, That the Charter Revision Committee be adjourned

Yes: All 7

Adjournment: 4:33 PM

---

Daniel Bliss, Chair

---

Tonni L. Bartholomew, City Clerk

A meeting of the Troy Charter Revision Committee was held Wednesday, November 5, 2003, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:00 P.M.

**Roll Call:**      **PRESENT:**              Lillian Barno, Daniel Bliss, Jerry Bloom, Shirley Kanoza, Robert Noce, Cynthia Wilsher  
                         **ABSENT:**                      Mark Solomon – Arrived at 3:05  
                         **ALSO PRESENT:**      City Attorney Lori Grigg Bluhm, Assistant City Manager/Finance and Administration John M. Lamerato, City Clerk Tonni Bartholomew, Deputy Clerk Barbara Holmes, Assistant to the City Manager Laura Fitzpatrick

**Approval of Minutes:**

Resolution #CR-2003-11-014

Motion by: Bloom

Seconded by: Kanoza

RESOLVED, That the Minutes of October 21, 2003 are approved with the following correction to page 6, paragraph 3: strike "Tuesday" and insert "Wednesday".

Yes: All 6

Absent: Solomon

Member Solomon arrived at 3:05 PM

**Reconsideration of the Minutes:**

Resolution #CR-2003-11-015

Motion by: Bloom

Seconded by: Kanoza

RESOLVED, That the Minutes of October 21, 2003, be reconsidered.

Yes: All 7

**Approval of Corrected Minutes:**

Resolution #CR-2003-11-016

Motion by: Solomon

Seconded by: Bloom

RESOLVED, That the Minutes of October 21, 2003 are approved with the following correction to page 5, paragraph 8 by inserting "the" in front of "date of the City election" and striking the word "of" following "date of the City election".

Yes: All 7

**Proposed Charter Amendments**

**Section 5.11 Initiatory and Referendary Petitions**

Resolution #CR-2003-11-017

Motion by: Solomon

Seconded by: Bloom

RESOLVED, That the consideration of Section 5.11, Initiatory and Referendary Petitions, of the City Charter be amended by striking "ten percent of the" and inserting "2,000" after the words "shall be signed by not less than" and by striking "twenty-one" and inserting "ninety" after the words "obtained within" in the first paragraph.

BE IT FURTHER RESOLVED, That the second paragraph be amended by striking the words "and fifteen days from such notification shall be allowed for filing of supplemental petition papers" After the words "mail the person filing such petition"

Yes: All 7

**Section 5.14 Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions**

Resolution #CR-2003-10-018

Motion by: Bliss

Seconded by: Bloom

RESOLVED, That no action be taken on Section 5.14, Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions, of the City Charter.

Yes: Bliss, Barno, Kanoza, Solomon, Wilshire

No: Bloom, Noce

**Audience Participation**

Mrs. Maryann Bernardi and Mr. Peter Ziegenfelder were both present and indicated support for the reduction of the number of signatures required for Initiatory and Referendary Petitions.

**Adjournment**

Resolution #CR-2003-11-019

Motion by: Barno

Seconded by: Kanoza

RESOLVED, That the Charter Revision Committee be adjourned

Yes: All 7

Assistant City Manager/Finance and Administration Lamerato noted that the recommendations of the Charter Revision Committee will be advanced to the City Council at their November 17, 2003 Meeting as a green item for proposed action at their December 1, 2003 meeting.

Adjournment: 4:05 PM

---

Daniel Bliss, Chair

---

Tonni L. Bartholomew, City Clerk

November 5, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

Subject: Emerald Ash Borer Update

In an effort to keep City Council informed on the infestation of the region's ash trees by the Emerald Ash Borer, staff is providing this update on the progression of the pest as well as the treatment and eradication efforts that are taking place.

In August 2003, the original six county quarantine area of Livingston, Macomb, Monroe, Oakland, Washtenaw, and Wayne counties was expanded to include the seven additional counties of Genesee, Ingham, Jackson, Lapeer, Lenawee, Shiawassee, and St. Clair. The quarantine prohibits the movement of ash trees, branches, lumber, firewood and other materials, unless chipped to one inch in diameter, from the included counties.

Studies are still being conducted at the state level to find a practical and successful treatment for infested ash trees, as well as preventative options for currently healthy ash.

### **Background**

In July 2002, staff first sent a report to Council regarding the newly discovered pest known as the Emerald Ash Borer (*Agrilus planipennae*) that was beginning to show up in area ash trees. At that time, staff prepared an Emerald Ash Borer Management Policy indicating the City would treat infested ash with less than 40% damage with an injection of a systemic insecticide. This policy was based on information available at the time from the Emerald Ash Borer Task Force, a group made up of members of the Michigan Department of Agriculture, Michigan State University, Michigan Technological University, U.S. Department of Agriculture's Animal and Plant Health Inspection Service, U.S. Forest Service, as well as county and municipal officials.

Subsequent studies showing the ineffectiveness of this treatment prompted staff to revise the City's Emerald Ash Borer Management Policy in April of 2003 to indicate that any ash on City owned or City controlled property found by City staff to be infested with Emerald Ash Borer would be removed and the debris created during removal disposed of as per recommendations by the EAB Task Force.

The EAB Management Policy revised in April of 2003 remains in effect and infested ash trees on City owned, or controlled properties will be removed as the infestation progresses through the City. City tree crews, that normally perform

section-by-section street tree pruning during the winter months, will work instead on ash tree removals this winter. Following completion of street tree pruning in Section 25 that was begun last winter, crews will begin ash removals. It should be noted that the ash removal operation will continue throughout the winter and preclude any additional street tree pruning for this year. Street tree pruning is currently on a 10-11 year cycle, meaning once a street tree is pruned, crews will not return to prune that tree again for 10-11 years. This is not an ideal situation, as the optimum pruning cycle calls for street trees to be pruned every 6-7 years. The extension of the pruning cycle has been due to a number of factors, including an large increase in the number of street trees planted over the years in the City, and the increasing size of established trees requiring more pruning time per tree without any additional increase in tree pruning personnel.

It is estimated that there are currently 1800-2000 dead, or dying ash scheduled to be removed from City parks and subdivision street right-of-way areas. That number will continue to increase in coming years, prompting a need either to increase the number of City tree crew removal personnel, or supplement City forces with outside contractors.

Staff is also researching possible solutions for partnering the private sector (business and residents) in the removal and replacements of these trees. Of particular concern are diseased trees in greenbelts where removal without replacement will result in ordinance violation.

### **Budget Implications**

The removal of all infested ash will be a monumental task for the next several years, requiring a combined effort of City staff, tree removal contractors, and purchase of specialized equipment to assist with the timely removal of the dead and dying trees. Staff is preparing specifications to purchase a log loader and trailer that will allow tree crew personnel to transport entire ash logs up to 18 feet in length back to the DPW facility where they can be ground into wood chips small enough to eliminate it as a food source of the borer. This will save an enormous amount of time now spent cutting logs into small sections to be left as firewood, or hauled back to the DPW yard.

Staff will also be including a request in the 2004-2005 budget to hire one or more contractors to assist with tree removals, as well as funding for replacement trees. At this time, there are no state or federal funds available for removal of infested trees or reforestation of areas affected by ash tree removals. However, the State did receive \$14.1 million from the U.S. Department of Agriculture to implement a strategy for effectively halting the spread of the pest. Those funds are being used at the state level to create a necessary infrastructure, including hiring survey crews, opening satellite offices, developing data management capabilities, enforcing quarantine areas, providing sanitation and disposal options, conducting research and public education efforts. It is hoped that future funding will become available from state and/or federal sources to address removal and reforestation costs.

Staff will continue to provide City Council with periodic updates as new information becomes available.

November 7, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

Subject: Holiday Lights

During the 2003-2004 budget study sessions, there was discussion pertaining to the holiday lighting practices on city buildings and public grounds. The discussion resulted in staff direction to light City Hall only for the 2003 holiday season.

In the past, Parks and Recreation staff have put holiday decorations at fire stations and other Civic Center buildings.

Limiting the decoration installation to City Hall will result in a real savings of approximately 14 hours of overtime pay @40.00/hour = \$560.00.

The costs associated with decorations for City Hall total approximately \$9150.00 and include motor pool/vehicle rental and labor charges.

Past costs associated with the other Civic Center buildings and the Fire stations total \$25,249. The only savings realized will be overtime charges since the labor hours will be applied elsewhere.

As there was no official action on the issue, absent any objection, staff will proceed with holiday lighting at City Hall only.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON HILLS

RESOLUTION

At a regular meeting of the City Council of the City of Farmington Hills, Oakland County, Michigan, held in the Council Chambers at 31555 Eleven Mile Road, Farmington Hills, Michigan, on Monday, October 20, 2003, at 7:30 p.m., Eastern Daylight Time, with those present and absent being,

PRESENT: BARNETT, BATES, BRICKNER, ELLIS, McRAE AND OLIVERIO

ABSENT: NONE

the following resolution was offered by Ellis, and seconded by McRae:

WHEREAS, as of the date of this Resolution, the City only has one remaining quota liquor license available for possible issuance, but is faced with a current and expected future demand for the issuance of additional licenses in the City due to the characteristics of the City and the existence of expanding economic development, re-development, and other forces in the City; and

WHEREAS, over the years, there have been numerous Class C/Tavern liquor licenses that were previously issued by the City from the City's quota of licenses which were held in escrow with the Michigan Liquor Control Commission over a 4-8 year time period because the businesses which utilized said licenses had closed, precluding the city from re-issuing these licenses to new business applicants; and

WHEREAS, the City's ability to encourage economic development and re-development in the City has been seriously undermined and curtailed over the years as a result of the existing liquor license quota system and the large number of liquor licenses which are in escrow and unavailable to the City for issuance as part of its statutory quota of licenses; and

WHEREAS, the City's ability to promote the Governor's policies and objectives relating to the creation of "cool cities" and the establishment of a commercial base of services, such as traditional and boutique restaurants of varying sizes, which are necessary to support and promote the retention of the City's residential base have been seriously undermined and curtailed over the years as a result of the quota system and the large number of liquor licenses which are in escrow or transferred to other communities and unavailable to the City for issuance as part of its statutory quota of licenses; and

WHEREAS, smaller boutique-type restaurants, that might otherwise positively add to the character and appeal of the community, are in some cases unable to locate in the City despite a desire to do so because the number of new Class C and Tavern licenses available within the City under the existing quota system fail to meet demand and such smaller businesses often cannot afford to purchase escrowed licenses; and

WHEREAS, as a result of the quota system and existing legislation, there is no safeguard against the licenses that were assigned for use within the City being transferred outside of the City for use in other communities, and that pursuant to these laws, there have been a significant number of quota licenses transferred to other communities without notice, exacerbating the problems and deficiencies inherent in the existing system as identified in this resolution; and



WHEREAS, the State's system of liquor license quotas and escrows was founded upon and an outgrowth of the repeal of prohibition laws in the 1930s, when there was a perceived need and desire to control licenses at the State level and to establish a system of quotas as a one size fits all means of State control over and limitation of the number of businesses allowed to sell liquor in each community; and

WHEREAS, the provisions of the State's liquor control laws pertaining to the Class C/Tavern license quota and escrow system no longer adequately address or apply to modern concerns and circumstances, and are outdated and in many instances counter-productive to current social, economic and governmental objectives; and

WHEREAS, the existing liquor control quota laws do not take into account any factors other than population levels in determining the number of quota licenses assigned to each community; and

WHEREAS, under the existing quota system and court decisions, municipalities have the power and discretion to decide to issue less liquor licenses than have been assigned to the community under the quota system if the municipality determines that it is in the best interest of that community, but the municipality has absolutely no discretion to exceed the number of licenses issued to it under the quota system; and

WHEREAS, a determination of the number of Class C and tavern liquor licenses that would be appropriate for the City should be based upon much more than just pure population levels -- It should take into account economic development conditions and plans, character of the community, local community planning and zoning, desired re-development in the City, existing or planned corridors within the community, existing and planned residential and non-residential development in the City, adequacy of police forces, and other such factors, all of which are highly relevant to the issuance of liquor licenses, different from community to community, and best known and understood by the local unit of government; and

WHEREAS, the City is already charged with and/or performs many of the duties related to enforcement of the liquor control laws and the issuance/transfer of liquor licenses in the City; and

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The City Council of the City of Farmington Hills requests that the Michigan legislature consider appropriate legislation to eliminate the Class C and tavern liquor license quota and escrow system as it currently exists, and enact legislation allowing local cities, villages and townships to control the number and issuance of Class C and tavern licenses in their individual communities.
2. The City Council of the City of Farmington Hills directs that copies of this resolution be directed to the Governor of Michigan, the Attorney General of Michigan, the Michigan Liquor Control Commission, State Senator Gilda Jacobs, State Representative Aldo Vagnozzi, Oakland County Commissioners David Moffitt and Mike Rogers, and the Cities, Villages and Townships of Oakland, Wayne, and Macomb Counties.


AYES:	BARNETT, BATES, BRICKNER, ELLIS, McRAE AND OLIVERIO
NAYS:	NONE
ABSENT:	NONE
ABSTENTIONS:	NONE

The resolution was adopted.

STATE OF MICHIGAN       )  
                                  )ss.  
COUNTY OF OAKLAND     )

I, the undersigned, the duly qualified and appointed City Clerk of the City of Farmington Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on Monday, October 20, 2003, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 21st day of October, 2003.

  
\_\_\_\_\_  
KATHRYN A. DORNAN,  
City Clerk  
City of Farmington Hills

534971\_1



City of  
**Troy**

# *Administrative Memorandum*

---

November 12, 2003

TO: John Szerlag, City Manager  
FROM: Charles T. Craft, Chief of Police  
SUBJECT: City of Farmington Hills Resolution

I agree with Sergeant Gordon's assessment of the Farmington Hills resolution. His concern regarding an increase in workload for the police department is particularly valid. Workload would not only increase due to an increase in applicants, but also in the area of enforcement and inspection should additional licenses be granted.

It should also be noted that the community at large might take a dim view of the granting of additional licenses. While this may not be a determining factor, it is one that should be taken into account.

Lastly, while our City Council may take a reasonable, responsible approach to the issuance of licenses, such may not be the case in other communities. An increase in drinking establishments would most certainly lead to an increase in drunk driving, and given the mobility of our society it is reasonable to assume an increase in alcohol related crashes.

Therefore, I do not agree with this resolution.



*City of*  
**Troy**

Charles T. Craft, Chief of Police

Gary G. Mayer, Captain  
Edward J. Murphy, Captain  
Dane M. Slater, Captain

500 W. Big Beaver Troy, Michigan 48084 (248) 524-3443

---

## Support Services Division Memorandum

**TO:** Chief Craft

**FROM:** Sgt. Gordon 

**DATE:** November 12, 2003

**RE:** Farmington Hills resolution

---

It does not appear than any of the concerns raised in this resolution do, or have in the past, impacted the ability of the City of Troy to prosper and attract new business and shopping areas. The issues relating to Class C licenses held in escrow holding up the issuance of quota Class C's has not negatively impacted our community, as typically licenses have been placed into escrow only as part of a transfer or sale of an existing business, in which remodeling will place the license out of service for an extended period of time. Examples of this are the Rio Bravo restaurant, which recently closed, and the Take Five Pub on Maple Rd. Rio Bravo is in negotiations with an out of state company to come in and remodel, and ultimately request to transfer the license. Take Five has already entered into an agreement to place their license in escrow at some future time, to allow Fox and Hounds of Michigan to open "Baileys Pub and Grille" in the same strip mall. Basically, we don't have license in escrow unless there is a transfer deal in the works, and businesses are not bailing out of town and leaving licenses escrowed for 4-8 years at a time.

As far as the "smaller boutique-type restaurants" that Farmington Hills hopes to attract, this appears to be going in the opposite direction of our Council, who appears to wish to adhere to the 200-seat minimum on quota Class C licenses. What this resolution also doesn't address is the availability of Resort C licenses to businesses that wish to locate in a community that does not have any quota licenses available. Some recent Resort licenses issued in Troy are, Bahama Breeze, National Coney Island, and The Palm.

Also, additional workload would be placed on the police department to process and investigate the multitude of license requests that would come in if the quota system would change. There would be no real reason to not apply.

# November 2003

November 2003							December 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	1	7	1	2	3	4	5	6
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					November 1
					2
3	4	5	6	7	8
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	<b>Election Day</b> 7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities	10:00am Sr Citizen Advisory Committee (Community Center)		9
10	11	12	13	14	15
5:30pm City Council - Study Session (Council Boardroom) 7:00pm Liquor Committee (C)	10:30am Veteran's Day Ceremony (Veteran's 7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular	3:00pm Retirement System Board of Trustees (DPW)	7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)		16
17	18	19	20	21	22
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commission (City Hall)	7:30am Downtown Development 7:00pm Troy Youth Council (Lower Level) 7:30pm Traffic Committee (Lower Level)			23
24	25	26	27	28	29
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Commission (Museum)		<b>Thanksgiving Holiday-City Offices Closed</b>		30

11/24 PH Comm. Veh. App.-953 Bridge Park  
 11/24 PH Comm. Veh. App.-3769 Meadowbrook  
 11/24 PH Zon. Ord. Text Amend. (ZOTA-180)  
 11/24 PH Street Vac. App.-Crestfield & Tallman  
 11/24 PH Prelim. Planned Unit Dev. Rev.-PUD-003  
 12/1 PH Comm. Dev. Block Gran

# December 2003

December 2003							January 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
December 1	2	3	4	5	6
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:00pm Tree Lighting Ceremony (City Hall) 7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities	10:00am Sr Citizen Advisory Committee (Community Center)		7
8	9	10	11	12	13
7:00pm Liquor Committee (C)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chamber)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)		14
15	16	17	18	19	20
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commision (City Hall)	7:30am Downtown Development Authority (Lower Level) 7:00pm Troy Youth Council 7:30pm Traffic Committee (Lower Level)			21
22	23	24	25	26	27
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Commission (Museum)	Christmas Holiday-City Offices Closed			28
29	30	31			
		New Years Holiday-City Offices Cl			

# January 2004

January 2004						
S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February 2004						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			January 1, 04	2	3
			New Years Holiday-City Offices Cl		4
5	6	7	8	9	10
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)					11
12	13	14	15	16	17
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)					18
19	20	21	22	23	24
Candidate Filing Deadline @ 4:00					25
26	27	28	29	30	31
7:30pm City Council-Regular (Council Chambers)					



FOR <u>Officer Tarcher</u>	<b>Urgent</b> <input type="checkbox"/>
DATE <u>11-7-03</u> TIME <u>9:15</u>	<input checked="" type="radio"/> A.M. <input type="radio"/> P.M.
<b>While You Were Out</b>	
M <u>Mrs. Theodora Wiley</u>	
OF <u>03-34065</u>	
PHONE	AREA CODE NUMBER EXTENSION
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
RETURNED YOUR CALL	WANTS TO SEE YOU
MESSAGE	
<u>Called to thank you</u> <u>for your kind</u> <u>assistance after</u> <u>accident @ Lineroison</u> <u>Walt lvs.</u>	
SIGNED	<u>Chaire C.</u> <u>Records Dept.</u>

 adams  
9711

cc: Chief Craft  
 Capt. Sator  
 Lt. McWilliams  
 City mgr.  
 File





## TROY FOUNDATION FOR EDUCATIONAL EXCELLENCE

4400 Livernois Rd. • Troy, MI 48098 • 248/823-4000 • Fax 248/823-4013

November 6, 2003

Chief Charles Craft  
Troy Police Department  
500 W. Big Beaver Rd.  
Troy, MI 48084

Dear Chief Craft:

The Troy Foundation For Educational Excellence wants to thank you for the assistance provided by the Troy Police Department with our Walk on October 18, 2003. Lt. Zavislak and Sgt. Swanson were most helpful and just wonderful to work with. We really appreciate the presence of the Police Department and the assistance with traffic control on the day of the Walk. The help from the Troy Police Department contributed to the success of our first Fun Walk!

Your support of this event also helped publicize the goals and missions of our foundation. With the support of community members, business, and organizations such as yours, the Troy Foundation For Educational Excellence will continue to fund teacher grants and student scholarships which enrich the educational opportunities offered to Troy School District students. Thank you for being our partner in keeping Troy an A+ district!

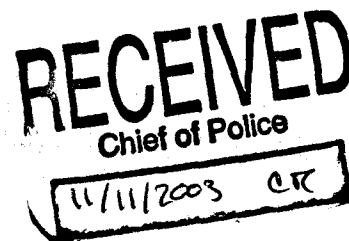
On behalf of the Foundation's Board of Trustees, please accept our sincere thanks for your support!

Sincerely,

Mary Beth Halushka  
TFEE-Treasurer and Fun Walk Co-Chair

cc: Lt. Zavislak  
Sgt. Swanson

CC: CITY MANAGER  
CAPT. MAYER  
dept. Files



October 30, 2003

G-07c

To Chief C. Craft

I would like to express thanks to Detective Todd Gustke who took the time to listen to myself and my daughter's complaint dealing with [REDACTED] who scammed my family out of our home. Mr. Gustke kindly gave us his time and showed concern and compassion in our situation. There are those officers who need to be recognized for extending themselves to help others.

Thanks again

Sue Staten





OFFICER PETE PIZZORNI

G-07d

Dear Troy Police Department-

thanks again



RECEIVED

Chief of Police

11/6/03 CT

Thank you for responding so quickly and caringly to my call on 10/29/03 to check on the wellbeing of my elderly cousin, whose phone wasn't working properly.

We all - my cousin Marion Jean Wilson included - appreciate your good work!

Sincerely, Ledi Weston

November 4, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
John Lamerato, Assistant City Manager – Finance/Administration  
Nino Licari, City Assessor

Re: Conservation Easement at Cedar Ridge

At the November 3, 2003 City Council meeting, questions arose as to the effect on value (whether negative or positive) of the conservation easement on lots in the Cedar Ridge development, and if the Assessing Department recognizes any such effect.

All factors influencing value are considered in preparing an appraisal of property. Easements for public utilities exist on virtually all platted lots (and site condominium units) and, for the most part, do not impact value.

An easement that encroaches into a building setback, can definitely affect value negatively.

Conservation easements are generally a value enhancement, as they are rare, and therefore in demand. Much the same way interior parks in the Stoneridge subdivision create an increase in demand, and thus, value, conservation easements create demand and value.

In particular, the easement on units 19 through 26, in Cedar Ridge allowed the developer to charge a premium of between \$5,000 and \$15,000 per lot. Additionally, the lots on the south side of the street in this development, that back up to Big Beaver, sold for \$5,000 to \$10,000 dollars less.

The initial sales of the homes (which are all virtually identical) in this development shows an average reduction in value of approximately 6.5% for those lots backing Big Beaver. The Assessing Department has reduced the appraisal of these properties by 10%, to reflect this decrease in value (this 10% reduction will be more closely born out as the homes enter the resale market).

Recorded easements are part of the title work of any sale of property, and all owners should be aware of their existence by reading their title commitment. It is the duty of every private property owner to be aware of their existence, and any Realtor or agents job to apprise prospective purchasers of their existence, not the local government unit.

Finally, the tax advantage an owner can receive for having a conservation easement on their property comes from State and Federal Income Tax advantages, and not local incentives.

**City of Troy - Assessing Department  
Cedar Ridge Sales Analysis**

<b>Parcel ID</b>	<b>#</b>	<b>Address</b>	<b>Sale Date</b>	<b>Sale Price</b>	<b>03 A/V</b>	<b>Ratio</b>	<b>Influence</b>
88-20- 24-377-042	2289	Cedar Knoll	04/08/02	306,000	140,580	45.94	None
88-20- 24-377-043	2301	Cedar Knoll	12/07/01	296,665	139,150	46.90	None
88-20- 24-377-044	2313	Cedar Knoll	01/14/02	310,900	138,200	44.45	None
88-20- 24-377-045	2325	Cedar Knoll	12/19/01	312,725	140,580	44.95	None
88-20- 24-377-046	2337	Cedar Knoll	12/11/01	309,461	140,040	45.25	None
88-20- 24-377-047	2349	Cedar Knoll	05/21/02	313,440	138,690	44.25	None
<b>No Influence Sales</b>				<b>1,849,191</b>	<b>837,240</b>	<b>45.28</b>	
88-20- 24-377-048	2361	Cedar Knoll	08/14/02	310,330	139,480	44.95	Conservation
88-20- 24-377-049	2373	Cedar Knoll	06/14/02	310,440	139,260	44.86	Conservation
88-20- 24-377-050	2385	Cedar Knoll	08/09/02	310,415	141,020	45.43	Conservation
88-20- 24-377-051	2397	Cedar Knoll	09/16/02	316,720	142,430	44.97	Conservation
88-20- 24-377-052	2409	Cedar Knoll	08/28/02	305,400	139,440	45.66	Conservation
88-20- 24-377-053	2421	Cedar Knoll	09/12/02	310,405	139,660	44.99	Conservation
88-20- 24-377-054	2433	Cedar Knoll	11/06/02	308,410	139,440	45.21	Conservation
88-20- 24-377-055	2445	Cedar Knoll	12/09/02	309,815	139,260	44.95	Conservation
88-20- 24-377-056	2457	Cedar Knoll	10/31/02	318,160	139,440	43.83	Conservation
<b>Conservation Easement Sales</b>				<b>2,800,095</b>	<b>1,259,430</b>	<b>44.98</b>	
88-20- 24-378-001	2422	Cedar Knoll	10/31/02	290,000	135,860	46.85	Big Beaver
88-20- 24-378-002	2410	Cedar Knoll	11/13/02	312,000	134,630	43.15	Big Beaver
88-20- 24-378-003	2398	Cedar Knoll	10/31/01	299,226	134,080	44.81	Big Beaver
88-20- 24-378-004	2386	Cedar Knoll	10/26/01	307,290	137,380	44.71	Big Beaver
88-20- 24-378-005	2374	Cedar Knoll	12/12/01	296,939	137,180	46.20	Big Beaver
88-20- 24-378-006	2362	Cedar Knoll	11/28/01	290,613	137,010	47.15	Big Beaver
88-20- 24-378-007	2350	Cedar Knoll	11/21/01	292,633	137,180	46.88	Big Beaver
88-20- 24-378-008	2338	Cedar Knoll	11/28/01	291,215	137,260	47.13	Big Beaver
88-20- 24-378-009	2326	Cedar Knoll	11/27/01	281,840	132,810	47.12	Big Beaver
88-20- 24-378-010	2314	Cedar Knoll	12/27/01	294,645	134,970	45.81	Big Beaver
88-20- 24-378-011	2302	Cedar Knoll	12/27/01	289,532	136,270	47.07	Big Beaver
88-20- 24-378-012	2290	Cedar Knoll	04/24/02	290,515	137,020	47.16	Big Beaver
<b>Big Beaver Influenced Sales</b>				<b>3,536,448</b>	<b>1,631,650</b>	<b>46.14</b>	
<b>Overall Sales</b>				<b>8,185,734</b>	<b>3,728,320</b>	<b>45.55</b>	

November 5, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Laura A. Fitzpatrick, Assistant to the City Manager

SUBJECT: Governor's "Cool" Cities Initiative

Attached find minutes from the Cool Cities Initiative Advisory Group (CCIAG). These will be forwarded to the Governor's Office. The Governor's Office will provide us with updates as the project progresses on the State level.

The only meeting of the **Cool Cities Initiative Advisory Group (CCIAG)** was held on Wednesday, October 29, 2003 at 7 PM at the Police Department, 500 West Big Beaver Road. Laura Fitzpatrick called the meeting to order at 7:03 p.m.

## 1. ROLL CALL

### PRESENT

Katie Beyer	Ethnic Issues Advisory Board
Anju Brodbine	Ethnic Issues Advisory Board
Emily Burns	Youth Council
Juliana D'Amico	Youth Council
Eric Gregory	Youth Council
Oniell Shah	Ethnic Issues Advisory Board
Manessa Shaw	Youth Council
Laura Fitzpatrick	Assistant to the City Manager

## 2. DISCUSSION QUESTIONS: Posed by the Office of the Governor - Responses to be attached to original copy of the minutes and will be forwarded to the Office of the Governor

1. *What defines a cool city?*  
*What makes your city particularly special or "cool"?*
2. *How can the state best help your city – and other communities – be "cool"?*
3. *What does a cool city look like?*  
*How does it use its space?*  
*What kinds of services are offered?*
4. *What does your city – and other communities like it – do to attract jobs and people to your community?*  
*What could it do?*
5. *What does your city – and other communities like it – do to attract young professionals and young people to your community?*  
*What could it do?*

## 3. CCIAG COMMENTS

## 4. PUBLIC COMMENT

## 5. ADJOURNMENT BY 9:00PM

The meeting adjourned at 8:14 p.m.



## **Cool Cities Initiative Advisory Group (CCIAG) - City of Troy, MI**

Summary of Group Discussion in Response to Questions Posed by the Governor's Office

October 29, 2003

*Analysis of some comments shows that they fall into distinct areas. Comments were grouped after the discussion took place.*

### **1. What defines a cool city?**

#### **DOWNTOWN AREA**

- Downtown area – like Birmingham or Rochester or Royal Oak
- The Village in Rochester would be suitable for Troy
- Look at all the things a downtown provides – coffee, entertainment/movie theater, music shows/stores; a downtown attracts a diverse range of age groups
- Safe, kid-friendly like other communities with downtowns

#### **NIGHT LIFE**

- People are busy during the day so night life is important
- Nightlife – like in a college town where things are open late
- Night life helps other venues not just bars, clubs (diners, etc.) – An active night life is good for crime prevention
- In Italy, things stay open late – fountain plaza attracts people

#### **SENSE OF COMMUNITY**

- Sense of community
- Small local bands - venues where they can perform
- Small, cozy shops – mall is sterile, not as friendly
- Family-oriented
- Focal point – specific area where people go

### **What makes your city particularly special or “cool”?**

#### **BUSINESS COMMUNITY**

- Lots of jobs, but not the hip kind like IT; also experience-based jobs (for older people)
- Strong business community
- Good school system

#### **LOCATION**

- Location – close to other downtowns

#### **SHOPPING/ECONOMY**

- Shopping – Somerset Collection and Oakland Mall

#### **AESTHETICS**

- Troy is beautiful – trees, well-manicured landscaping; some parts of Troy are like being in the country
- Signage control – good zoning

### **2. How can the state best help your city – and other communities – be “cool”?**

#### **AFFORDABLE HOUSING (FOR YOUNGER PEOPLE)**

- Some sort of incentives for more affordable housing for younger people
- Encourage development of apartments/condos appropriate for young people

#### **SCHOOLS**

- Support the school system

**(How can the state best help your city – and other communities – be “cool”? CONT’D.)**

**FUNDING FOR COMMUNITIES**

- Keep supporting communities financially – do not cut funding to communities
- Help Troy maintain its positive features so that people want to keep living there
- Economic development money for a concert venue/performing arts center – that would have shows that attract younger people
- Troy is diverse – help us capitalize on that
- Support for traffic control initiatives – also, encourage flex time to help congestion
- Support for the central city (Detroit)

**BUSINESS INITIATIVES**

- Encourage car-pooling
- Encourage businesses to have entry-level jobs

**3. What does a cool city look like?**

- Amenities located close to each other, so you can walk to them
- A focal point
- Good schools
- Attract a diverse range of people – “cool” means different things to different people
- Good transportation between amenities; or ability to work to amenities

**How does it use its space?** - see above

**What kinds of services are offered?**

- Public transportation
- Support of arts/culture
- Service industry – lots of restaurants

**4. What does your city – and other communities like it – do to attract jobs and people to your community? What could it do?**

- Advantageous location close to I-75
- Good housing

**FOCUS ON YOUTH**

- School system
- Work on entrepreneurship – incentives for young people to start business (i.e. like tech businesses on the West coast)
- Encourage schools to encourage entrepreneurship
- Encourage development of jobs for younger people (i.e. part-time summer jobs) – people hang out after work

**5. What does your city – and other communities like it – do to attract young professionals and young people to your community? What could it do?**

- Affordable housing for entry-level professionals
- See #1
- Facilitate events – like intramural sports – even on a regional level – like intramural sports communities on college campuses
- Create “hot spots” – there are no specific “hot spots” in Troy
- Establish programming at the Community Center to attract diverse groups – not just very young or very old (kids or seniors)
- Utilize Community Center more – it is underutilized; there could be more “community” at the Community Center

**How do you define a community?**

- A place where there is a sense of togetherness
- Where there is a focal point
- Where there is a “hot spot” gathering place

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Admin.  
Cindy Stewart, Community Affairs Director

SUBJECT: CATV Advisory Committee Action

DATE: November 5, 2003

At the October 15, 2003 CATV Advisory Committee Meeting, members discussed their mission statement, goals and objectives and made revisions. Attached is the CATV Advisory Committee mission statement, goals and objectives with proposed revisions.

Resolution #CA-2003-10-001

Moved by Marinos

Seconded by Bixby to approve proposed revisions to mission statement, goals and objectives per attached document.

Yes: Marinos, Voigt, Butt, Bixby, Wehrung, Minnick,

No: Hughes

Resolution #CA-2003-10-002

Moved by Voigt

Seconded by Marinos to change the name of the CATV Advisory Committee to Cable Advisory Committee (CAC) to reflect the revised mission statement and goals.

Yes: Marinos, Voigt, Butt, Bixby, Wehrung, Minnick,

No: Hughes

**CITY OF TROY**  
**~~CATV~~ CABLE ADVISORY COMMITTEE (CAC)**  
**MISSION STATEMENT**

**MISSION STATEMENT:**

To serve as liaison between Troy City Council and ~~citizens~~ residents of Troy relative to cable service issues.

Cable service includes (but not limited to) Cable TV and any integrated cable service provided by a cable provider through a direct connect cable system, which requires a Franchise Agreement with the City of Troy.

**Goals and Objectives:**

To receive comments and suggestions from fellow citizens and neighbors for presentation to the committee on all cable matters.

To make recommendations to the Troy City Council relative to the City's Cable ~~TV~~ franchise, including any and all activities, which may affect the quality or level of service, provided to Troy residents.

To meet on a regular basis to discuss and review all aspects of the quality and service of Cable ~~TV~~ available to Troy residents.

**Cable committee responsibilities include reviewing cable activities such as:**

FRANCHISE PROVIDERS (~~currently~~ Comcast and WideOpenWest)

To monitor and review financial and performance reports as provided to ICCA by the franchisees. To review and recommend action as appropriate in the establishment and negotiation of franchise agreements or amendments to these agreements. To receive and consider presentations as requested from the management representatives of the franchisees.

INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY (ICCA)

To monitor and review correspondence, reports and presentations of the ICCA that may affect or impact the quality or level of service to Troy citizens. This is specifically related to the ICCA consortium agreement.

COMMUNITY MEDIA NETWORK (CMN) - Channels 18 & 52

To monitor and review correspondence, reports and presentations of the CMN or other groups that may affect the quality or level of public access service to Troy citizens. These reviews would include quality of product and access to airtime, equipment and other services with the express purpose of providing for local access programming services and opportunities for individuals and groups.

#### GOVERNMENT ACCESS / WTRY - Channels 10 & 53

To monitor the quality of product and level of service of the local government access channel provided to the City of Troy as part of the franchise agreement. In this role the committee will request regular reports from the WTRY management and provide opinions to WTRY staff on minor issues and provide recommendations on major issues to **Troy** City Council.

#### STEWARDSHIP OF FUNDS

To review requests, assess needs and make recommendations to Troy City Council relative to the awarding and disbursement of available funds to support access channels as provided in the franchise agreements.

#### LEGISLATION

To review new and proposed local, state and federal legislation relative to providing a point of view to **Troy** City Council relative to suggested actions.

#### TECHNOLOGY DEVELOPMENTS

To ~~be aware of~~ **review** new technological developments relative to Cable service with the objective of assuring that the residents of Troy are receiving ~~the best service and~~ the highest quality of services available.

**Adopted: July 14, 1999**

**Revised: May 24, 2003**

**Revised: October 15, 2003**



**Public  
Works  
Department**

RECEIVED

OCT 31 2003

CITY OF TROY  
CITY MANAGER'S OFFICE

# Memo

**To:** Gary Shripka, Assistant City Manager / Services  
**From:** Timothy Richnak, Public Works Director  
**Date:** 10/31/03  
**Re:** Review of House Bill No. 4152 and Senate Bill 721

After review of both house bills and September 29, 2003 Board of Trustees of the Southeastern Oakland County Resource Recovery Authority I offer the following:

- That I concur with the Authority staff proposals
  - The SOCRRA Board vote to oppose Senate Bill 721 and House bill 4152 on the grounds that it is an unfair, inefficient charge that harms those communities that initiated recycling programs some time ago.
  - To obtain proposals from 3 to 4 lobbying firms regarding both lobbying services and legislative updates.
  - The proposals obtained will be brought back to the Board for further action
- That based on historical tonnages land filled by the City of Troy it would have the following impact on the City.
  - Land filled annul tonnage of 38,000 multiplied by the proposed \$3.00/ ton would cost the city of Troy approximately \$114,000 annually.

September 29, 2003

Board of Trustees  
Southeastern Oakland County Resource Recovery Authority

Subject: Legislative Update

Board Members:

There has been a substantial amount of activity in Lansing that potentially could have an impact on SOCRRA:

1. House Bill 4152 was introduced in February by Representative Kooiman, a Republican from Grand Rapids. This bill calls for a \$3 per ton surcharge for all material going to a landfill. The money generated by the surcharge will be divided into thirds. One third will fund new or enhanced recycling programs, one third will be transferred to the general fund and the final third will be used to fund innovative recycling grants recommended by an innovative recycling technologies board created by this bill. A copy of this bill is attached to this report.
2. Senate Bill 721 was introduced by Senator Brater, a Democrat from Ann Arbor on September 23. This bill also calls for a \$3 per ton surcharge for all material going to a landfill. The money generated by the surcharge will be split with 90% being used to fund new or enhanced recycling programs and 10% being used to conduct landfill inspections. A copy of this bill is also attached to this report.

Both bills are currently in committee. The Authority staff believes that SOCRRA and the SOCRRA communities should be opposed to this bill. For both bills, the cost to our member communities (up to \$450,000 per year) will far outweigh the potential benefits of enhancing our recycling program. When House Bill 4152 was discussed at a Board meeting several months ago, the consensus of the Board was that the money generated by this bill would only serve to help those communities that have dragged their feet in developing effective recycling programs. Both bills are opposed by the Michigan Waste Industries Group, RRRASOC, the Mid-Michigan Solid Waste Authority and by several other entities.

We are also affected by Senate Bill 561 which went into effect on October 1, 2003. Among other things, this bill creates a surcharge of \$0.07 per cubic yard for all landfilled material. This surcharge replaces a "Solid Waste Administration Fee" that is charged to all landfill operators. The revenue generated by the surcharge is to be placed into the solid waste management fund, which was created by this act. Waste Management has informed us that they plan on passing this fee onto us. We have responded that since this is a replacement for an existing fee and since our material can either be incinerated or landfilled at the option of Waste Management and since a substantial amount of our

material is incinerated, not landfilled, that this fee should not be passed onto us. I am sure that we will be having additional discussions with Waste Management on this issue.

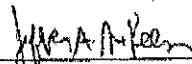
Finally, Wayne County has instituted a similar fee of \$0.05 per ton of landfilled material effective October 1, 2003. Waste Management has also proposed to pass this fee onto us.

Based on all of the above, it appears as if SOCRRRA needs to maintain a better sense of the pending legislation that affects SOCRRRA. This function had been performed for us by Dykema Gossett prior to November of 2002, when we were terminated as a client by Dykema. Since that time, our information regarding legislative activities in Lansing has been inconsistent and sporadic.

The Authority staff proposes the following:

1. The SOCRRRA Board vote to oppose Senate Bill 721 and House Bill 4152 on the grounds that it is an unfair, inefficient charge that harms those communities that initiated recycling programs some time ago.
2. To obtain proposals from 3 to 4 lobbying firms regarding both lobbying services and legislative updates.
3. The proposals obtained will be brought back to the Board for further action.

Respectfully Submitted,

  
\_\_\_\_\_  
Jeffrey A. McKeen, P.E.  
General Manager

Suggested Resolution: "That the SOCRRRA Board vote to oppose Senate Bill 721 and House Bill 4152. In addition, the Authority staff is authorized to obtain proposals from lobbying firms."





RECEIVED

NOV 12 2003

November 11, 2003

CITY OF TROY  
CITY MANAGER'S OFFICE

TO: The Honorable Mayor And City Council

FROM: John Szerlag, City Manager   
Charles T. Craft, Chief of Police 

SUBJECT: Liquor Law Compliance Testing

During the month of October of 2003, the police department's Directed Patrol Unit conducted liquor law compliance testing at 99 licensed liquor establishments. The tests utilized an underage Student Enforcement Aide. The results of the testing are as follows:

**SDD/SDM Licensees – One (1) violation**

- Troy Party Store – 6990 John R

**Class C Licensees – Four (4) violations**

- Alibi Lounge – 6700 Rochester Rd.
- La Shish – 3720 Rochester Rd.
- Picano's – 3775 Rochester Rd.
- Mon Jin Lau – 1515 E. Maple Rd.

Appropriate LCC and City of Troy ordinance violations for serving a minor were issued to each violator. All establishments passing the inspection will be notified and receive a certificate documenting their compliance.

In addition to the violations that were observed during compliance testing, plainclothes officers cited Kelly's Market (6037 Rochester Rd.) on September 26, 2003, for a sale to minor violation that was observed while on patrol in the area.



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LB*  
**DATE:** November 7, 2003  
**SUBJECT:** City Attorney's Role in Prosecutions

---

On Tuesday, November 4, 2003, there was a significant disruption that occurred at City Hall. Unfortunately, there were several witnesses to a heated discussion between a member of City Council and myself. This outburst occurred outside a public meeting where there were several persons who showed great concern. Since the topic of our conversations is likely to be brought up in the near future, I felt it was imperative to bring it to your attention at this time. A resolution of this matter will likely end the turmoil at City Hall, as well as in the City Attorney's Office.

The discussion centered on prosecution involving Robert Gosselin. As you are probably aware, in July 2003, one of our police officers issued Mr. Gosselin a ticket for littering. According to the police report, police dispatch received a call reporting that someone was dumping debris on a vacant lot. One of our officers was summoned to the scene, and observed Mr. Gosselin dumping tree stumps and other yard refuse on the vacant property. Mr. Gosselin reported that he owned the property, even though he is not currently listed as the owner of record with the City Assessing Department. Troy's litter ordinances prohibit the dumping of litter (defined to include yard refuse), and classify any violation as a criminal misdemeanor. As such, our office is responsible for the prosecution of the case once initiated by ticket or warrant. Mr. Gosselin has hired an attorney to represent his interests. Through his attorney, he has exercised his constitutional rights, and has set the matter for a jury trial.

Although our office continues to treat this case as any other criminal prosecution, this case has generated a great deal of interest. The press was directly notified of the proceedings by outside sources. Members of the public and the media appeared at the hearings on Tuesday. Although our office has not had any part in the publicizing of this matter, we can likewise not prevent it, since Court proceedings are open to the public. The purpose of this memo is to reiterate the sworn duties of the City Attorney's office, as the designated prosecuting attorney for City ordinances, to assure City Council, defendants, and the members of the public, that we will uphold our oath and pursue justice without interference and prejudice.

Pursuant to Section 3.17 (b) of the Troy City Charter, "The (City) Attorney shall prosecute such ordinance violations." The Charter also requires the City Attorney to "conduct for the city such cases in court and before other legally constituted tribunals as

the council may request.” Our charter provision is consistent with state statute, which defines the prosecuting attorney as the municipal attorney.<sup>1</sup>

Public Act 1966, No. 158 (MLC 752.11) is “an act to require public officials to enforce the legal rights of citizens and to provide a penalty for failure to do so.”<sup>2</sup> Violation of this statute constitutes a misdemeanor. According to *People v. Davis*, 52 Mich. 569 (1884), the prosecuting attorney is a sworn minister of justice whose duty it is to see that the innocent are protected as well as that the guilty are brought to punishment. The responsibility for prosecuting is placed squarely on the shoulders of the municipal attorney. Interference with prosecutorial duties by either legislators or judges constitutes obstruction of justice.

The Michigan Rules of Professional Conduct provide safeguards against prosecutorial abuse. All prosecutors are required to comply with the Michigan Rules of Professional Conduct, or face an independent investigation and/or discipline from the Attorney Grievance Commission.<sup>3</sup> Civil remedies may also be a deterrent to a prosecutor that is discriminatory on the basis of impermissible classifications, such as race, gender, national origin or age. Individual characteristics of a defendant should never be a factor in the decision to prosecute.

Although City Council does not have the ability to direct the prosecution of a particular case, City Council does have the ability to modify any legislation in their discretion.

I have included this memorandum in your packet for the November 10, 2003 City Council meeting as an advance courtesy. This item will be included in the November 17, 2003 City Council agenda packet as a report and communication. If you have any questions concerning the above, please let me know.

---

<sup>1</sup> MCL 761.1(l) defines prosecuting attorney for ordinance violations as “an attorney for the political subdivision that enacted the ordinance, charter, rule or regulation upon which the ordinance violation is based.”

<sup>2</sup> MCL 752.11 states “any public official, appointed or elected, who is responsible for enforcing or upholding any law of this state and who willfully and knowingly fails to uphold or enforce the law with the result that any person’s legal rights are denied is guilty of a misdemeanor.”

<sup>3</sup> Rule 6.5(a)





November 7, 2003

RECEIVED

NOV 11 2003

CITY OF TROY  
CITY MANAGER'S OFFICE

To: Honorable Mayor and City Council

From: John Szerlag, City Manager   
 John M. Lamerato, Assistant City Manager/Finance and Administration   
 Gary A. Shripka, Assistant City Manager/Services   
 Carol K. Anderson, Parks and Recreation Director 

Subject: Recreation Fees

The 2003-2004 budget study sessions resulted in setting a goal to keep the funding level constant for the recreation division operations.

Since then, City Council and staff have engaged in discussions relative to the fee structure in the division. These discussions have resulted in staff using the distributive method when setting fees.

In order to develop a budget document for 2004-2005 and beyond and to meet the subsidy goal, it is necessary to further the discussion.

Direct costs for recreation programs are funded in one of three ways:

- 1) Solely by the general fund
- 2) Solely by user fees
- 3) Combination of user fee and general fund

Revenues for the recreation programs are generated in winter recreation, summer recreation, Community Center, and Nature Center budgets. Direct costs (supplies, staff, etc.) for these programs are accounted for in these same budgets. Indirect costs are accounted for in the athletic field maintenance and Parks and Recreation administration account. It should be noted that expenses for things such as play structure maintenance, tree trimming, median maintenance, municipal grounds maintenance are not included as expenses in the recreation division.

Fees cover the direct costs of programs in winter/summer recreation. Some individual programs do not cover the direct costs while others cover more than the direct costs resulting in the revenue/expenses in winter/summer recreation balanced. Further, those programs which cover more than the direct costs, subsidize those which do not or help to cover the other subsidized areas (administration, Community Center, Nature Center, athletic field maintenance).

Attached please find the programs and services provided by the Parks and Recreation department. Each program/service is listed within the category by which it is funded (solely by general fund, solely by user fee or a combination of both). No services/programs are included which add to aesthetic value and overall community but do not offer individual service (i.e. planting beds, median mowing, etc.). In other words, programs/services are those in which

individual users could be charged a fee for use. Note: While this list is meant to be comprehensive, it may not be exclusive. Costs associated with programs/services listed are not necessarily accounted in the recreation division but are listed to show services/programs offered in the department.

The numerous financial challenges facing the City have implications in the transfer of services to residents. While the City has offered a comprehensive Parks and Recreation program for many years and while these services have been well received and supported by residents and the City Council, there is a need to define the services and level of service that will be provided in the future. It is also necessary to define the way in which those services will be funded. Is Parks and Recreation a service area in which the Council wants to excel?

The distributive method of setting fees assumes that many things are considered when the fee is set (what the market will bear, community value level, user group, fee collection administration, etc.). Staff will continue to set fees with this method. Emphasis will be placed on recovering costs where there are additional expenses for exclusive uses, elimination/reduction of programs for which cost recovery cannot be achieved or those, which would result in a real savings if eliminated. As you can see from the attached list, many senior, disabled programs and special event programs result in a cost of real dollars. While it is logical to focus on the tangible savings in expenses or revenue generation of these programs, there is intangible value in offering any and all programs. Setting fees by the distributive method allows staff to consider the total value of the program/service.

Based on discussions thus far, the vision and goals of the Council, and the need to meet the subsidy goal, staff will continue to review and set fees by the distributive method, eliminate or reduce services where required, and add new programs/services when fiscally sound.

# Recreation and Park Program/Service Distribution List

Programs funded entirely by General Fund	Programs funded by General Fund and User Fees	Programs funded entirely by user fees (not inclusive of indirect costs)
Adaptive Friendship newsletter	Adaptive - Bingo	Adaptive Basketball
Adaptive Special Olympics	Adaptive - Day Camp	Adaptive Friday Frolic
Adaptive Weight Watchers*	Adaptive - Movie/Pizza Drop in	Adaptive Trips
Arbor Day special event	Adaptive - Softball	Adult basketball program
AV equipment-non profit groups	CC fitness open time	Adult craft classes
Ball diamond reservations	CC gym open time	Adult dance lessons
Big Beaver Banners	CC pool open time	Adult sand volleyball program
CC annual family pass (>4)	CC Recreation passes	Adult soccer program
CC common areas	Cemetery burials	Adult softball program
CC dance studio reservations	Corporate Punt, Pass & Kick	Adult tennis leagues
CC game room	Cricket Field Usage	Adult volleyball program
CC meeting rooms - non profit	Drive, Pitch & Putt competition	Adventure Camp
CC teen room	Emerald Café	AV equipment - private rentals
CC young adult basketball	Fishing Adventure	Babysitting/Home Alone workshop
Cemetery maintenance	Kids Korner babysitting	Baseball clinic
Community Kaleidoscope **	NC - A few programs (vary by season)	Body Images - 30/30
Disc golf usage in parks	NC - Getting Found, compass & GPS	Body Images - Cardio and Weights
Emergency Food Dist.-low income *	NC - Let's Feed the Birds!	Body Images - Step and Pump
Family Festival	NC - Mother's Day Hike	Boys Gym
Hershey Track & Field Meet #	NC - White-tailed Deer	Breakfast with Santa
Holiday lighting installation	NC -Michigan Forests	Brochure space for groups
Kids Garage Sale	Park shelter reservations	CC Birthday Party packages
Medi-Go	Picnic kit rentals	CC gym rentals
Memorial Day Event Set-up	Robinwood/Morse summer program	CC Pool - Egg Hunt
MRPA Hoop Shoot competition #	Roving Recreation	CC Pool - Scavenger Hunt
Municipal grounds maintenance	Senior computer lab	CC Pool - Water Wave Aerobics
NC - common areas in building	Senior Craft Show *	CC Pool - Winter Blast
NC - Nature Art exhibits/receptions	Senior picnic	CC Pool - Winter Luau
NC - Nature trail use	Senior Store - Creative Endeavors	CC pool rentals
NC - Open Houses	Senior volleyball league	CC room rentals-profit/private
NC - Public speaking promotional	Street tree planting	Cooking classes
NC - Spring bird hikes	TBB field use (beg 1/04)	Cricket camp
NC - Troy school programs (off site)	Travel teams - field use (beg 1/04)	Daddy Daughter Pool Party
NC - Troy school programs (on site)	Troy Daze Festival	Daddy Daughter Sweetheart Dance
NC - Wildlife/nature consultations	TYF field use (beg 1/04)	Dance Recital classes
Nelson drain maintenance	TYSL field use (beg 1/04)	Dancelt programs
NFL Punt, Pass & Kick #	Veterans July 4th event	Detroit Pistons Basketball Clinic
Nursery School Olympics		Downhill Ski program
Park maintenance		Drawing Classes
Plant Exchange		Egg Scramble
Rec pass discounts - disabled		Fame Camp
Rec pass discounts - financial aid		Filming Permits
Rec pass discounts - seniors		Fitness Factory - Intro to Pilates
Rec program scholarships - youth		Fitness Factory - Kick Box/Step
Sand volleyball reservations		Fitness Factory - Mat Pilates II
Senior - Chorus holiday celebration		Fitness Factory - Total Body Conditioning
Senior - Chorus program *		Flex Into Fitness - Cardio Interval
Senior - CPR Workshop		Flex Into Fitness - Easy Does It
Senior - Hand bell choir performance *		Flex Into Fitness - Group Cycle
Senior - Harmonica Grinders (2) *		Flex Into Fitness - High Intensity
Senior - Health watch screening *		Flex Into Fitness - Interval Circuit Training
Senior - Organist Dennis Awe *		Flex Into Fitness - Lo Cardio Plus Toning
Senior Advisory Committee *		Flex Into Fitness - Power Sculpt

Programs funded entirely by General Fund	Programs funded by General Fund and User Fees	Programs funded entirely by user fees (not inclusive of indirect costs)
Senior Band *		Flex Into Fitness - Shape up and Tone
Senior Bingo*		Flex Into Fitness - Step It Up
Senior Birthday Party		Flex Into Fitness - Swiss Ball
Senior Bridge		Girls Gym
Senior Chair Exercise		Golf lessons
Senior Chorus *		Gymboree
Senior Computer Club		Half Daze Adventure
Senior Cribbage *		Haunted Houses
Senior Cribbage*		Ice Skating lessons
Senior Emergency Cell Phones		Indoor tennis lessons
Senior Employment Referral		Internet service for meetings
Senior Euchre *		Japanese Shotokan Karate
Senior Flu Shot Clinic		Judo and Streetwise self defense
Senior Foot Care*		Junior Golf
Senior Harmonica Club *		Junior Lifeguard class
Senior Harmonica Lessons *		Kiddie Sports
Senior Health Screenings *		KIDS Camp
Senior Hospital Equip Loan *		Kids Day
Senior hot lunch program		Kids Night Out
Senior Information and Referral		Kids Sports and Games
Senior Leaf Raking		Lacrosse clinic
Senior Legal Counseling *		Lacrosse officiating clinic
Senior Medicare Counseling *		Landscape Plan Review
Senior Movies		Little Adventures Camp
Senior Needlework Club *		Little Feet
Senior Newsletter		Most Nature Center Public Programs
Senior Olympics		Mother-Son Pool party
Senior Outdoor Tennis League		Motion and Me
Senior Pacific Rim Outreach *		Musical Adventures
Senior Painting Club *		Nat'l Pool/Waterpark Lifeguard class
Senior PAL Widowed Support *		NC - A Chip off the Ol' Block-bird carving
Senior Pinochle *		NC - Birds and Bridles
Senior Quilting Club *		NC - Build a Box for Chickadees
Senior Red Hat Society*		NC - Build a Butterfly Home
Senior Salt Box		NC - Creepy Crawley Critters
Senior Speakers *		NC - Fall Fun at the Farm
Senior Spelling Duel		NC - Gazing at the Galaxy
Senior Stretch and Tone		NC - Gift Shop
Senior Table Tennis *		NC - Going Batty
Senior Tax Assistance *		NC - Jr. Naturalist Club
Senior The Nurse Is In *		NC - Magic of Migration
Senior TOPS*		NC - Maple Rent-a-Tap program
Senior Transportation Liaison		NC - Maple Syruping
Senior Vial of life		NC - Mini Beasts of the Meadow
Senior Volunteer Banquet		NC - Nature Escape programs
Senior Walking Club		NC - Nature Escape, fall
Senior Woodcarving Club *		NC - Nature Escape, winter
Skate Park usage		NC - Newfoundland
SMART discount tickets		NC - Non Troy school programs (on site)
Street Tree Pruning		NC - Non Troyschool programs (off site)
Summer concert series		NC - Public speaking, non promotional
Teen Advisory Council		NC - Reflections of Spring, Nature Photo
Tennis court reservations		NC - Scout it Out- Brownies
Troy Boys and Girls Club		NC - Scout it Out- Geology Badge
Veterans Day Event Set-up		NC - Scout it Out programs
Volunteer Recognition Events		NC - Scout it Out, Bear achievement 5



Programs funded entirely by General Fund	Programs funded by General Fund and User Fees	Programs funded entirely by user fees (not inclusive of indirect costs)
Walking Trail - Huber Park		NC - Scout it Out, forester badge
		NC - Scout-it-Out - Earth Connections
		NC - Scout-it-Out - Watching Wildlife
		NC - Sketching in the Wild
		NC - Spring Break Hike
		NC - Summer Ecology Camp
		NC - Summer Evening Nature Hike
		NC - Trail Ride Through the Timbers
		NC - Trim a Tree for Wildlife
		NC - Wild Adventures Outdoors Camp
		NC - Wing Into Spring, parent & Tot
		NC - Winter Break Hike
		NC - Yoga Naturally
		NC - Yoga Naturally, fall
		NC - Yoga, Naturally, spring
		Outdoor Tennis Lessons
		Parent and tot craft classes
		Parent and Tot fun fitness zone
		Parent and tot playgroup
		Parent Tot Field Trips
		Personal Training
		Preschool Bunny Huts
		Preschool Rainbow
		Preschool trips
		Rainbow Parent/tot programs
		Rec program scholarships-senior, grant
		Rhythm and Motion
		Rollerskating lessons
		Safety Town
		Sanchin-Rye Karate
		Senior - Health and Fitness Day
		Senior Tai-Chi
		Senior Acrylic Painting
		Senior Aqua Aerobics
		Senior Arthritis Exercise
		Senior Arthritis Self Help Class
		Senior Ballroom Dance
		Senior Bowling League
		Senior Computer Fundamentals
		Senior CPR Class
		Senior Craft Show
		Senior Garden Sites (fee proposed)
		Senior Golf Fitness
		Senior Golf League
		Senior Intro to Computers
		Senior Intro to Internet
		Senior Line Dance
		Senior Mature Driver Workshop
		Senior Muscle Conditioning
		Senior Piano Keyboarding
		Senior Picture It
		Senior Pilates
		Senior Softball League (fee proposed)
		Senior Square Dancing
		Senior Tap
		Senior Tennis League



Programs funded entirely by General Fund	Programs funded by General Fund and User Fees	Programs funded entirely by user fees (not inclusive of indirect costs)
		Senior Trips - many throughout year
		Senior Watercolor Painting
		Senior Word Processing
		Senior Yoga
		Special Use Permits
		Sports Camp - Athletic Trainers
		Sports Camp - Baseball
		Sports Camp - Basketball
		Sports Camp - Cheerleading
		Sports Camp - Competitive Swim
		Sports Camp - Fantasy Sports
		Sports Camp - Fast Pitch Softball
		Sports Camp - Football
		Sports Camp - Golf
		Sports Camp - Goose's Soccer
		Sports Camp - Gotta Dance
		Sports Camp - Gymnastics
		Sports Camp - Jr. Soccer
		Sports Camp - Junior Basketball
		Sports Camp - Lacrosse
		Sports Camp - Pom Pon Dance
		Sports Camp - Rockers Soccer
		Sports Camp - Soccer
		Sports Camp - Speed, Agility and Quickness
		Sports Camp - Track and Field
		Sports Camp - Volleyball
		Sports Camp - Wrestling
		Swim Lessons
		Tai Chi-Chu'an
		Tee Ball
		Whiz Kids
		Yoga
		Youth basketball program
		Youth craft classes
		Youth Drawing (Little Rembrandt's)
		Youth flag football program
		Youth floor hockey program
		Youth girls softball program
		Youth lacrosse program
		Youth rookie basketball program
		Youth soccer program
		Youth theater workshop
		Youth volleyball program

**Miscellaneous Notes:**

\* Program has room and administrative cost only.

\*\* This program offered in cooperation with Troy School District, Troy Community Coalition, Troy Police, Troy Community Affairs depts.

# This program offered in conjunction with the state Recreation Association which no fees are to be charged to participants.

September 16, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
John Lamerato, Assistant City Manager/Finance  
Gary Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

Subject: Parks and Recreation Fee Structure

During the study session on February 24, 2003, the City Manager indicated that a goal for the recreation division is to keep the funding subsidy at the same level for future years. Council indicated that this should be an objective for City management. Information provided to Council stated that for fiscal year end 2002, the subsidy to the Parks and Recreation division was \$2,705,164. Based on non-audited numbers in the 2002-03 budget, there is a shortfall of \$245,044 in the subsidy. The 2003-04 budget reflects the ability to meet the subsidy, but thus far, revenues are not meeting projections. In development of the current budget, staff included fee increases to assist in achieving the recreation subsidy based on the distributive method as described below.

It is the goal of Council, city management and staff to maintain a low tax rate while maintaining the current level of service to residents. A way to accomplish this is to initiate fees or increase fees to participants/groups. This necessitates changes to the costs of programs/services offered. There are two options to consider when establishing fees:

1. **Distributive Method:** Staff would have the latitude required to implement fees to cover the direct costs of programs. Consideration will be given to: what the market will bear; user group (youth, disabled, senior citizen, able bodied working adults...); Administration of fee collection; value of program/service to community.
2. **Inflationary Method:** Initiate fees that cover only the inflation/increased costs of all programs from the 2001-02 audited budget figures. A different approach to the way fees are established will be required if this system is followed. We are now able to begin and end programs based on market value and public input. Some programs may be eliminated with this approach such as those where fee collection is impossible or where people would not pay for a service.

Listed below are some examples of free programs that may have a fee assessed (fee listed is approximate charge):

<u>Program Area</u>	<u>Estimated Revenue</u>
Community Center Audio Visual Equipment Rental – approved by council on May 12, 2003 (rates vary)	\$2,500
Field Maintenance costs for youth organizations (Troy Baseball Boosters, Troy Youth Football, and Troy Youth Soccer League) – approved by council on September 8, 2003	\$5,500
Brochure cost in Troy Today for groups not associated with the department – approved by council on September 8, 2003 (rates vary pending on space size)	\$1,600
Senior Volleyball (\$40)	\$1,280
Senior Softball (\$40)	\$1,440
Community Center young adult basketball (\$4 per person)	
Vendors at senior Health and Fitness Day (\$75 per vendor)	\$1,500
Senior Stretch and Tone and Chair exercise (\$2 per class)	\$4,000
Senior gardens (\$20 per site),	\$1,560
Senior newsletter (\$10 per year)	\$20,000
Adaptive newsletter (\$10 per year)	\$2,000
The cost to existing programs may also change as this is further analyzed.	

In addition to implementing fees, we will be seeking additional alternative funding such as grants and sponsorships for programs such as concerts, special events, etc. Reducing expenses where possible is a high priority. Staff has been informed of the Manager's challenge regarding the subsidy. Some programs may also be eliminated to subsidy costs – Robinwood/Morse summer youth program, reduce summer concert series, etc.

Regarding the senior volleyball fee for this season, the following are expenses associated with the program: Entry Fees for two teams - \$580; volleyballs - \$132; gym costs at Community Center - \$1260. Total expenditures are \$1972. There are 16 players per team, total of 32 players for two teams. Actual direct cost per player, with no administrative fee, is \$61.63. The fee of \$40 per player would cover some of the direct costs – entry fees and volleyballs (\$22.25), and minimal gym costs (\$17.75). The department is still subsidizing this program by \$692. Currently 28 of 32 players have registered and paid for the 2003-04 program, with department staff filling the remaining spots for players shortly. We will still re-examine the costs for Senior Volleyball and other youth/senior programs to see if a reduction can be made without jeopardizing other programs.

At the May 5, 2003 meeting City Council received a memo indicating the need to implement fees to meet this goal of keeping the funding level constant.

At the September 8, 2003 meeting City Council meeting received a memo indicating that fees would be charged for field maintenance and brochures costs to various organizations when there had been no charge for these services in the past. These fees were based on the distributive method.

Unless advised otherwise, staff will proceed with a distributive approach to assess fees for Recreation division programs.